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GERMAN DEMOCRATIC REPUBLIC

Legal Implications of Reunification Discussed

90GE0002A East Berlin *TRIBUNE* in German
16 Mar 90 p 11

[Interview with West Berlin Senator for Jurisprudence Prof Dr Jutta Limbach, member SPD by Bettina Herzog and Siegfried Kusior; place and date not given: "Is the Basic Law Already Not Exactly the Ideal Solution?"—first paragraph is *TRIBUNE* introduction]

[Text] Biographical information: Professor Dr. jur. Jutta Limbach has been Senator for Justice of the State of Berlin since 16 March 1989. She is a dyed-in-the-wool Berliner, born in Neukoelln, married and mother of three adult children. She serves as a member of the Scientific Advisory Council for Family Issues with the Federal Ministry of Youth, Family, Women, and Health and as a member of the boards of the Alliance for Legal Sociology and the Society for Legislation. She has been a member of the SPD [Social Democratic Party of Germany] since 1962 and a member of the Commission for Domestic and Legal Policy with the Executive Committee of the SPD.

[*TRIBUNE*] The current key word is unification of both German States. One can no longer speak of a law enforcement treaty; on the contrary, certainly the concern now is legal conformation. Does this mean reorganization of the legal system in both parts of Germany or an uncritical takeover of West German law for the eastern part?

[Limbach] I believe that is also still the crucial question on our side, whether legal conformation—towards which everything seems to be moving—is an uncritical acceptance or whether it must also be a step by step assimilation in the area of the legal system. I think that a convenient takeover of West German law is clearly out of the question because we don't even have the institutions in the other part of our country that could apply that all of a sudden. Because: judges, public prosecutors, and lawyers in the GDR are trained in GDR law. For that reason, I think that this cannot function well. I am personally of the opinion—along with elements of the SPD—that such a legal conformation can also take place only step by step and that it must be responded to individually for the respective area of law.

[*TRIBUNE*] What steps are conceivable?

[Limbach] I count myself among those who favor the existence of something like a constituent assembly that considers a future all-German Constitution. I am also glad that there is now increased support for this in Free Democratic Party circles. Social Democrats—and I also mean the Green Party—certainly have some points that they would like to see as an improvement to today's Basic Law; e.g., environmental protection, codetermination, strike law, women's issues, and an additional point that in my view has been much enlivened by the gentle

revolution in the GDR: citizen participation. You certainly must have noticed that we complained about a certain party moroseness in recent years and thought about how one could create other forms of democratically based participation.

[*TRIBUNE*] What law should apply to joint ventures?

[Limbach] One could take the standpoint of the preconstitutional Trade and Economic Law, the Trade Code Book, let's assume in its form of 1948 and the Limited Private Corporations Law in the 1892 version and the Stock Code in the version of the Law of 1937 are valid. This is being discussed here very contentiously because all these laws have nonetheless been continuously developed, for example our Joint Stock Company Law. This applies equally to participation. Our law has changed here very much, and I think in a manner you also consider positive. So, you see that one cannot answer the question of which law should apply today so easily. That is why one will not be able to proceed in any other way than to form commissions from both parts of the countries that attempt to steer this process of conformation of law into a systematic course.

[*TRIBUNE*] Accordingly, this will be a lengthier process?

[Limbach] Yes. One cannot, of course, simply consider 40 years of legal development in both parts of Germany—and I also mean 40 years of legal development in the Federal Republic—as undone.

[*TRIBUNE*] But your Minister of Justice Engelhardt said recently that the Basic Law is a good constitution for both German States.

[Limbach] I can even imagine the Basic Law as needing improvement, and I think that the Germans from the East, who just proved how they honor the democratic principle, should have a say in this. For me, that is a foregone conclusion. If this process of growing together is really supposed to succeed, both sides must be able to participate in it so that one group cannot withdraw by arguing that it was not listened to when the first problems appear later. In my view, this represents disregard for what transpired in the GDR prior to 9 November and afterwards.

[*TRIBUNE*] Do you see a chance that the decade-long achievements we also created in the system of administration of justice, like social courts, could continue to exist in the GDR?

[Limbach] These social courts will certainly be a point of contention between us. I was previously employed as an academic, and we thought about alternatives to court procedures in the area of legal sociology, especially in the area of family jurisdiction. I think that these are positions from which one can approach the other. To make it clear: no takeover of your social courts, but reflection concerning alternatives to court procedures.

[TRIBUENE] Labor law does not fall within your ministerial area. Nonetheless the question: Must we in the GDR sacrifice hard won union positions when we are in agreement?

[Limbach] That is also a point that requires discussion between both German states, and a point about which the West German union movement certainly has ideas how the Basic Law could be modified.

[TRIBUENE] We are in the process of compiling a new Judge's Law. The current proposal plans to appoint judges to a life term. You do have similar experiences.

[Limbach] I think our system is very good. Employing judges for life terms is a precondition of judicial independence for us. And that is why I think it is worth recommending.

[TRIBUENE] Some time ago a Berlin newspaper wrote that the starting salary of a judge in the GDR amounts to M 1,050 net. Can one compare this with your salaries?

[Limbach] Our starting salaries are considerably higher than that—between DM4,000 and 5,000. But cost of living expenses are higher here. I am thinking about rents. Whatever the results of a comparison are, we want to leave that open.

[TRIBUENE] Is there currently anything like a law enforcement treaty between both parts of Berlin?

[Limbach] Basically, only to a modest extent in the area of penal law, as you saw during the Schalck-Golodkowski proceedings. In civil law, we have a basically functional law enforcement treaty. You know that in the past we had a directive in the area of penal law that did not allow transferring proceedings to the GDR—that was the case with petty offenses and minor crime—because we had to fear that a misdemeanor would be more severely punished there, specifically by enjoining travel to the West or revoking passports. This directive has been rescinded. When citizens of the GDR incur criminal liability in the Western sector of the city, e.g., shoplifting, then we only have the scruples to transfer the proceedings to the GDR because we have such a strong law protecting individuals against infringement of their rights through storage of computerized data. We only transfer proceedings if the affected parties themselves are in agreement with it. Our data storage protection law allows this.

[TRIBUENE] Had you already had contact with our side, with a representative of justice? You do not have a male or female colleague in that sense.

[Limbach] No. There is no judicial administration on the municipal authority level. There are thoughts of making contacts. My under secretary of state has already contacted one of the under secretaries of state in the Ministry of Justice. And the discussion between both these under secretaries was supposed to create orderly contact between both sides. In the course of negotiations between the Senate and municipal authorities, your side made the suggestion of setting up a "Legal Team," in a

sense among the people of the regional committee. We are very much in favor of that.

[TRIBUENE] What is the extent of cooperation between the courts?

[Limbach] In terms of civil matters, 317 applications from the GDR were received in 1989; 77 of them were processed. Since 9 November 1989 we have received 61 applications of which 41 alone were in regard to family law. None of these applications was returned to the Ministry of Justice in East Berlin incomplete. Unacceptable indications of citizenship which previously thwarted our cooperation now no longer stand in the way of carrying this out. The number of our applications on your side since 9 November amounts to 22, and two of them have been processed. Only two, but cooperation here must probably still be set in motion.

[TRIBUENE] One question currently concerns many GDR citizens: the fear of real estate agents and those who demand the return of property and houses. Many citizens of the GDR managed buildings for years, renters and lessors contributed a lot to maintaining and increasing the value of this private property and they are worried about what will become of their rights.

[Limbach] It is correct that private property is one of the basic pillars of West German private law in addition to freedom of contract and the freedom of testamentary will. We have here a potential conflict that one cannot take seriously enough, because many people, who now claim property ownership, more or less left the GDR against their will then and naturally are unwilling to surrender all their rights here without appropriate compensation. As a matter of fact, an orderly transition which considers how to protect the renters in the GDR must be ensured. Our modern rent law allows us to also refer to a social law of obligations within the Civil Code.

[TRIBUENE] However, is it sufficient to protect the citizens of the GDR?

[Limbach] Certainly in its inception, and we will have to think individually about how a just equalization of interests can be created which respects the renter's right of possession and primarily what renters have done in the past to maintain this property.

In my view, there can be no convenient restoration of the owner's possessions into the former capacity. One must think in this context about possible additional financial compensation or about another adequate conflict solution. A social cushion must be present at any rate.

[TRIBUENE] The domestic requirements clause also exists in our Civil Law. It is subject to high standards in case of complaints. What about West German law?

[Limbach] You are touching on a problem area that has been controversially discussed here most recently. Determining the domestic requirements of the renter was rather strict until now. However, the Federal Constitutional Court once again addressed the requirements of

the domestic requirements termination last year and passed a relatively pro-lessor judgment. Roughly, it stated: if the domestic requirement has been reasonably substantiated, it must be accepted by the renter.

[TRIBUENE] In general, what do you think of court reports in newspapers?

[Limbach] I find court reports a very useful function because we do have the principle of promulgation of court proceedings, and we simply must consider that the majority of the working public cannot attend court proceedings, and I think that one can continue to develop legal awareness with court reports. On the one hand, by informing the public about what is legally controversial, what conflicts of interest exist and, thus, simply contributing to awareness and knowledge of law. On the other hand, I also think court reports often expose the work of the courts.

[TRIBUENE] What reasons were there for the dissolution of the political department of the West Berlin public prosecutor's office?

[Limbach] We in Berlin restructured the so-called P departments of the public prosecutors because we are of the opinion that they simply propagated too much and this too diffusely. The penal code is no means for solving political and social conflicts. We have the impression that the employees of the P Department feel responsible for the political culture in the country. I think that is not their task, that is not a penal code matter but rather a matter for political exposition.

[TRIBUENE] What is the nature of jurisdiction in the FRG?

[Limbach] Basically, it is what we all collectively had previously. The municipal court is a court of the first instance. In other words, it is competent for criminal and civil disputes up to an amount in dispute of M 10,000 for civil claims. District courts are partially courts of the first instance and partially courts of appeal. That always depends upon the nature of the criminal offense. Even our supreme court, which is actually a court of appeal, is called a court of appeal in all other Federal Laender. We simply call it the supreme court because of Prussian tradition. That is the court of highest instance within our Land of Berlin that is utilized only as a court of first instance for certain criminal proceedings and is otherwise only used as a court of appeal for civil and criminal matters. Then we still have the upper Federal Courts, e.g., the Federal Supreme Court above that.

[TRIBUENE] What tasks do your Social Courts carry out?

[Limbach] We have known these courts since the year 1953, when we began to split. We have an independent social court law that is like the court constitutional law for social courts. They deal with such issues as unemployment and pension insurance, for example, as a focal point. One could say that the social court is a special

jurisdiction within the area of public jurisdiction, an ancillary branch of administrative jurisdiction, while labor courts evolved from civil courts.

[TRIBUENE] Is working on the side a criminal offense? How is it legally prosecuted?

[Limbach] Moonlighting is an infringement of law and it can be punished with a maximum fine of up to M 50,000. But I have not even exhausted all statutory offenses that apply to moonlighting. Because those who employ moonlighters and those who allow themselves to be employed as moonlighters evade taxes and commit contribution fraud against social security. Then we even have a new statutory offense in the Penal Code book—that of so-called contribution detention. The legal consequences of the statutory offenses are basically incarceration of up to five years or a monetary fine of up to 360 daily rates.

[TRIBUENE] Surely the biggest problem is tracking down moonlighting?

[Limbach] I know that the Trade Field Service conducts inspections in companies and asks for proof from those who are working in construction. For example, are all, in fact, properly registered, whether payroll tax is being paid for them, and whether they also have paid their contributions. From a criminal standpoint, the concern is less for this or that moonlighter who occasionally renovates some apartment after working hours. Our concern in forming the focal point in the public prosecutor's office is primarily prosecuting organized moonlighting. Because that is really detrimental to the community.

[Box, p 11]

I look forward to living with the citizens of the GDR, but not at their expense! I look forward to the experiences and life desires of Germans in the GDR that are just as important leaving their mark on a German constitution in a constituent assembly. However, I fear that the populace of the GDR, that "independently and sovereignly" did without assistance for nearly 41 years and had to fight against the planning and arbitrariness of the SED [Socialist Unity Party of Germany] and that finally liberated itself "independently and sovereignly" will be burdened in the status of a Federal State by virtue of Article 23 of the Basic Law and will thus be "legally incapacitated." The internationally valid, sovereignly attested international public law rights of a considerable and equally important segment of Germans would then come to an end. Horst Wesling, 5000 Cologne 1

HUNGARY

December Government Opposition Summit Described*90EC0346D Szekszard DATUM in Hungarian
11 Dec 89 pp 1, 5*

[Unattributed article: "Near the Summit: Roundtable With Many Corners"]

[Text] "The opposition parties are not in a position of being able to handle the crisis," said Dr. Jozsef Antall, president of the Hungarian Democratic Forum, at the press conference held last night in Parliament by representatives of parties participating in the "Hungarian-Hungarian" summit. His words corroborated, so to speak, Peter Tolgyessy's (SZDSZ [Alliance of Free Democrats]) statements that the government was quite ungenerous in supplying data and information with which the Opposition Roundtable (EKA) could offer real help in alleviating our country's problems through ideas and proposals. Speaking of Friday's discussion, he mentioned that the most significant parties, including those rallying in the EKA, concur in having the National Assembly dissolve itself. At the same time they understand that in the near future the government will be forced to take unpopular measures. Additionally, they also complained that publicity of the meetings was limited and resulted in contradictory reports. Every condition for free elections in March exists in present Hungary.

It was also said at the press conference that the Hungarian Independence Party (MFP), the Independent Hungarian Democratic Party, and the "100-year old Social-Democratic Party" will form an election alliance. The reason for the modifier regarding the latter party is that three social democratic parties with contradictory standpoints were represented, which is another indication of the lack of consensus between the 20 parties and political groups invited to the discussion in the evaluation of Hungary's internal and economic situation. It was characteristic that the president of the MFP, in the midst of a crisis, deemed a Soviet apology for the 1956 events to be the most important thing. In the midst of contradictory opinions and the dispersion of forces in internal policy, Dr. Andras Szegfu, member of the Hungarian Green Party's presidium, represented an exemplary and moderate point of view. As he said, they made comments during the meetings only in connection with their function.

Directly before we went to press, Prime Minister Miklos Nemeth and Istvan Fodor, acting president of the National Assembly, gave information to press representatives on the three-day talks. According to the assessment of the head of state, the talks, which were constructive despite the debates, focused on national interests. He stated that the parties exchanged ideas mainly on three essential issues, namely the tasks of peaceful transition, the requirements for economic survival, and the

possibilities for cooperation between the National Assembly, the government, the parties, and the interest groups.

The Saturday discussion centered mainly on planned measures to keep the economy going.

These measures are incorporated into next year's budget. They include a reduction of subsidies, necessary price increases, a change of structure, the immediate start of liquidating enterprises operating at a loss, and a new system of home financing. These steps will inevitably entail strong inflationary pressure and will undeniably cause, directly or indirectly, a shock to individuals, families, the entire country. Next year, for example, the number of unemployed will grow to between 40,000 and 50,000, which is twice as high as this year's figure.

Questions on wage management drew the most attention at the talks. The government's response to proposals urging wage liberalization was flexible. As was said by representatives of the Hungarian Economic Chamber which made the proposals, the issue here is that a complete wage liberalization would entail a decrease in budget revenues by 10-11 billion forints, but this could be offset if enterprises would contribute a certain percent—say .25 to .30 percent—of their sales receipts. They added that, incidentally, the 10-11 billion forints cannot even be compared to the amount of loss caused by fixed wage management.

It came to light from the spokesman's report that the VOSZ [National Association of Entrepreneurs] endorses the principle of wage liberalization but not the chamber's proposed measures, which it strongly opposes for being one of the worst kinds of tax increases.

The concept of apartment management was the other central issue. What was heard in this connection were mainly objections, e.g., that if the real estate structure is left unchanged, any concept, no matter how good it is, would only keep pouring money into a sack with a hole, or that increasing the interest rates of loans for apartment construction would be a unilateral breach of contract and should not, under any circumstances, become an option.

It was also urged that the increasing burdens of acquiring and maintaining an apartment be somehow incorporate into wages.

Several people mentioned that very little was being said about steps to be taken against inflation; the SZOT's [National Council of Trade Unions] representative expressed this as a fundamental inadequacy of the budget.

On the other hand, there was a consensus on political issues. Everyone agreed that the elections of deputies to the National Assembly should be scheduled earlier, the best time being the second half of March.

Four government officials—Miklos Nemeth, Deputy Prime Minister Peter Medgyessy, Minister of Finance

Laszlo Bekesi, and National Planning Office Chairman Erno Kemenes—talked Sunday with the National Assembly's president, deputy presidents, and officers of standing committees and political groups of deputies.

According to information received by the MTI [Hungarian Telegraph Agency], in the heated debate that developed during the talk, the deputies were unwilling—not without cause—to accept the budget plan or to put this bill on the December agenda. They strongly criticized certain parts of it as well as the concepts of home financing. The idea that the government would resign if the National Assembly fails to authorize the budget in December also emerged in the battle of arguments and counterarguments that lasted for hours.

POLAND

Coalition Members on Solidarity Partnership, Internal Affairs

Democratic Party

90EP0396A Warsaw *POLITYKA* in Polish
No 7, 17 Feb 90 p 3

[Interview with Tadeusz Bien, chairman, Democratic Party Sejm Deputies Club by Aleksander Checko and Marek Henzler: "Private Initiative"]

[Text] [POLITYKA] What is the meaning of the fact that in the course of seven months, the party that is smallest in both the old and new coalitions already has its third chairman of the Deputies Club? Your predecessor did not just give up his chair, but completely resigned from membership in the Deputies Club of the Democratic Party (SD). Also, he was not the first deputy on the SD list to take this step...

[Bien] The Club now includes 25 deputies and has nothing to hide inasmuch as the entire party is divided ideologically. Roughly speaking, you may find in it a group of deputies who want to change the form of the party, who were elected deputies against the wishes of SD leaders. Another group includes persons with a decidedly conservative bias in the negative sense of the word, who believe that everything is fine and with whom even a discussion on changes in the party is impossible. This last group, and each group numbers about the same, includes persons who are undecided and for this reason tend toward conservatism.

[POLITYKA] If the makeup of the Club is such, why were you, one of the reformers, elected chairman. This is even more strange since the meeting of 25 January opened with a declaration meant to preface your departure and that of several deputies from the Club, but after 10 hours of deliberations, it ended with your election to the chair...

[Bien] The matter is most complex, like the more than 50 year history of our party, and it is very difficult to lay out

all the nuances in a couple sentences. The SD grew out of purely patriotic impulses, presenting a somewhat different vision of Poland than the 'sanacja' system. After the war, in order to preserve a semblance of democracy, a quasi-multiparty political system was created in Poland in which the SD while formally having its own political presence, was completely dependent in fact on the leftist party.

People from the small merchant-trader sector without any great political ambitions, who were interested in making various connections in order to maintain economic independence (tax relief, allotments of raw material in short supply, etc.) drifted into the SD. The intelligentsia also joined the party, selecting it as the lesser evil as compared to joining the Polish United Workers Party (PZPR). Because of these circumstances, persons elected to the SD offices, sometimes outright cryptocommunists, were frequently recommended by the stronger partner, the PZPR.

The SD elite to this day cannot free themselves of this kind of mentality, and this in turn places them in conflict with a sizable group of members, including some SD deputies who joined the party in recent years. Meanwhile, as long ago as the middle of last year, SD officers strongly supported the structure and representatives of the communist system of government. Our chairman decided on a coalition with Lech Walesa only when he was forced to it by the determination of some of the officers and members, mainly from the regional administrations.

[POLITYKA] During the meeting mentioned here, you accused SD officers of neo-Stalinism, lack of effort to develop the confidence of the people, and stagnation. These statements appeared in the declaration, "Democracy 90," which you formulated and which was signed by five other deputies.

[Bien] Our leadership completely deserved such an evaluation since in the four months after the new coalition was formed, it did not succeed in organizing even the beginnings of a new political program for the SD. All of our previous political initiatives, for example, an independent judiciary, president, a national emblem, tribunals, etc., remained unrealized. In the SD, we have not discussed the form of the political party, we have not exchanged views on its new place in the pluralistic political scene. Structural reorganizations, personnel changes have not been made, and the rank and file have not been familiarized with the real basis of the program. We stubbornly cling to our name, linked with passivity during an inglorious past. Attempts at change were undertaken timidly and most frequently somewhat late. All of this confirms and certainly does not decrease the lack of confidence of the people toward the party of Polish democrats who, to make things worse, termed themselves radicals during the 12th Congress.

[POLITYKA] And where do the signers of "Democracy 90" stand?

[Bien] We wanted the SD to eventually become an authentic party of the center, fully autonomous, with a liberal democratic character close to the ideas of the Christian-democratic movements.

[POLITYKA] In the "Democracy 90" declaration, you speak of a confederation with other parties and factions. Which ones?

[Bien] Those that have included freedom and Polish sovereignty in their programs, who want to honor national traditions and human rights, those who opt for modern economic liberalism, and oppose what communist ideology preaches; they will acknowledge democracy to be the only way to social agreement. We see potential comrades in the Citizens Parliamentary Club (OKP) where there is already a large group of liberals, and among the liberal-democratic groups that have already arisen: the Democratic Center, the Gdansk Congress of Liberals, the Lodz and Wroclaw Movement of Free Democrats, and so on. We prefer what might be called modern liberalism with an admixture of social teachings of the Church, although we object to embellishing our political banners with religious symbols and slogans. At the same time, Christian ethics must characterize the attitude of a politician.

[POLITYKA] Would you want to find yourself between T. Fiszbach's Social Democratic Union and Professor W. Chrzanowski's Christian National Union, to form a center confederation which might present a center slate as early as in the next municipal and parliamentary elections? Because of your organizing ability, you would undoubtedly take a leadership position in such a confederation... This would be one method of preventing the SD from leaving the Polish political scene during the next elections. Why then is there such opposition among the party officers and a threat of subjecting some of SD deputies to a party tribunal?

[Bien] Because our originally completely private initiative disturbs various old personal ties in the party itself and to some degree disturbs the peace of people who, owing to the party, entered the circles of government, which they recognize as sufficient political success. One of the conditions for the development of such a confederation and its possible if small success in the coming elections, is the departure from the party administration of people who structured its official image at some time during the last 20-30 years. Otherwise we will not have the confidence of the people and we will not create an autonomous party.

[POLITYKA] Today, the SD is in a government coalition. Does not the proposal of the deputies, signers of the "Democracy 90" declaration, constitute a threat to its survival?

[Bien] Absolutely not. We are absolutely in favor of this coalition, we support the plan of Balcerowicz, although we do not agree fully with all of its solutions. For example, how can competition arise as long as monopolies have not been broken up. We see our main political

task to be carrying out the specifics of the new constitutional settlement of Poland as a lawful nation; here we have an enormous opportunity to display our talents and the possibility of attracting new members and sympathizers to our party. Strong political pressure on the government is also needed for rapid implementation of motivational economic factors which will determine lasting and massive development of individual and group economic enterprise.

[POLITYKA] Thank you.

Polish Peasant Party "Rebirth"

90EP0306B Warsaw POLITYKA in Polish
No 7, 17 Feb 90 p 3

[Interview with Jozef Zych, chairman, Supreme Council of the Polish Peasant Party "Rebirth" and Sejm deputy by Aleksander Checko and Marek Henzler: "We Are Late"]

[Text] [POLITYKA] What is the status of your party, as an heir of the United Peasant Party (ZSL)?

[Zych] The ZSL has ceased being active. A party has developed with a new program, new statutes and a new name. In the face of organizational disarray and in connection with the existence of other Polish Peasant Party (PSL) factions, we are not yet able to assess member losses. I hope that of the half-million former ZSL members, not very many will leave. The opposite has been observed. Circles that numbered several individuals now have several dozen.

All regular workers of the old ZSL received notice. We foresee that at present no more than 20 persons will work in the Chief Committee, in the voivodships, a maximum of three, and in the local administration, there will be community work.

[POLITYKA] What about the assets? Will the party repay what it borrowed from the state budget during the past year?

[Zych] It must, but to tell the truth, at the moment, we don't know how. Before 15 February, we will propose a full disclosure of assets to the Office of the Council of Ministers. As far as we know, most of the financial affairs of the former ZSL were regulated. Since every deputy was assigned one post and the opportunity to set up an office as of 1 February, we want to link this to the creation of PSL seats in the country. Obviously, financial matters are not regulated everywhere; after all, this is like the matter of the testimony of former workers of the party. This is primarily the result of the erroneous belief that there is no reason to hurry with legal regulation since nothing can happen in the political sphere. Today we suspect matters "went wild." Since we are talking about assets, I believe that the PSL should demand the property the state has taken from it during its settlement with the PSL.

[POLITYKA] What place does the PSL "Rebirth" (PSL "O") occupy in today's political landscape? Do you agree with the view that there is a shift from the left to the center? Is the coalition formed at the end of summer lasting and will it last?

[Zych] I have no doubt that the coalition with Solidarity and with the SD exists. As Lech Walesa also pointed out, problems arise when we begin to analyze what Solidarity is today. It is difficult to establish a formal political coalition of a union of two parties and a movement of a former trade union. We will have to settle this matter unequivocally in the future.

Returning to the question of the place of the PSL "O" on the political landscape, there has been a shift from the left to the right. Since the PSL must be a nationwide party, based on the social teaching of the Church, realizing elements of Mikolajczyk's policy, in the future, it must be a party of the center.

[POLITYKA] The proposed law on individual insurance for farmers is practically your only legislative initiative. Why are you doing so little?

[Zych] You are probably comparing us with the OKP which proposed a great number of legislative plans in various areas. But it is difficult to expect a club that is, plainly speaking, a village club, to begin to be active in all areas. We concentrated on insurance for farmers and you can see how difficult it is to be successful with legislature even with the support of the leftist clubs, the SD and the Christian groups, for example.

[POLITYKA] Neither is there any evidence that you have an alternative program of agricultural policy! Why is that?

[Zych] We proceeded from the premise that a program is constructed by the government; the initiative rests primarily with the government. The government presented one program, and our critical evaluation appeared during the Sejm agricultural debate. Actually this was a mistake since the former ZSL officers did not formulate their own platform. Now we are trying to catch up with lost time and have set up groups within the deputies' club: agricultural, legislative, and others which will address specific problems. No doubt we are late.

[POLITYKA] Was not your inactivity due in part to the fact that you are involved in a coalition government which, in the opinion of many farmers, has an anti-peasant policy? Is it really "your" minister of agriculture that is in government? By remaining in the coalition and accepting government decisions, are you not undercutting confidence in your own [internal] elections in the peasant party?

[Zych] We worked hard during the December agricultural debate in the Sejm, and at every meeting of the club "sparks fly" due to the sharp statements and differences in points of view. It would be difficult to accuse us of inactivity. I have spoken about this with Premier

Mazowiecki and Vice Premier Balcerowicz. And since our Vice Premier Janicki comes to the meetings of the club and asks for the support of the deputies, this too must be evidence for something. I am afraid that except for a few individuals, most members of government do not realize the importance of the agricultural problem and the need to count on agriculture.

[POLITYKA] Among the factions of the peasant movement are there differences in approach to the problems of the village and agriculture?

[Zych] I don't know if this is true for entire groups, but, for example, some members of the PSL "Solidarity" say that expenditures should be made exclusively for large, commodity farms. Let the rest of the small, non-profitable farms, even if there are as many as a million, go. The agricultural policy should support the strong establishments. The PSL "O" cannot agree with this premise. The agricultural program must consider the realities of the Polish village. While moving toward high productivity and profitability of agriculture, we cannot forget that every farm has a right to development. We must not dismiss millions of peasants outright or make them farmhands in the name of fancy slogans. The PSL "O" will not resign from defending the interests of this large group of owners of small farms in Poland.

[POLITYKA] What then, in your opinion, are the principal hindrances to a final union of the peasant movement?

[Zych] The main hindrances are the frequently justifiably cited accusations: personal animosities, extravagant ambitions and illusory ideas on agricultural development. I cannot detect any real peasants among the ardent supporters of breaking up the agrarian movement. Among the ardent supporters of union, there are some authentic peasants and activists in the agrarian movement such as Zabinski, Bartoszcze, Choszczewski, and former PSL activists like Nowak or Kiec. The wisdom of the movement should be based on not allowing itself to be relegated again to the role of a satellite or a poor relation. What we need is unity, and our own political and economic program.

[POLITYKA] The recent arguments pertaining to uniting the PSL "O" with the PSL "Wilanow" resulted in great confusion not just in the peasant movement. We are speaking here of the resolution signed by Kaminski and Olesiak and the assertions of Chorazyna, Bartoszcze and Kaminski connected with this. What do you think of this?

[Zych] The case you mention has to do with an exceptional lack of responsibility for what was said, and not only for what was said, but for the fate of the peasant movement. The incident caused great harm to the peasant movement, and not just moral harm. The whole affair will be thoroughly investigated. The Polish countryside and the peasant movement must know the whole truth about the mechanisms and the people that hinder

the process of unification. For the deputies of the PSL "O" Club this is a painful affair; we will never reach unity down this road.

[POLITYKA] Thank you.

ROMANIA

Final Version of Election Law

90BA0025A Bucharest MONITORUL OFICIAL
in Romanian 18 Mar 90 pp 1-11

[Text] Decree-Law on the Election of the Parliament and President of Romania

On the basis of the proposals made and the conclusions reached from the public debate carried out both in the press and on radio and television directly on the draft decree-law, and of the results of the debates held with political parties and groups, the Provisional National Union Council decrees:

CHAPTER I General Rules

Article 1—The political power in Romania belongs to the people and is exercised in accordance with the principles of democracy, freedom, human dignity, and the inviolability and inalienability of basic human rights.

Article 2—Romania will be governed on the basis of a system of democratic pluralism and separation of the legislative, executive, and judicial branches of power.

Article 3—Romania's Parliament, made up of an Assembly of Deputies and a Senate, and the president of Romania will be elected by universal, equal, direct, secret, and free ballot.

Article 4—All nationalities will be represented in Parliament on the basis of a system of proportional distribution of the seats won in the elections, in accordance with the present decree-law.

The organizations representing national minorities registered on the date of the adoption of the present decree-law, which do not have the number of ballots required to win a seat in the Assembly of Deputies in accordance with paragraph 1, have a right to one deputy seat.

Article 5—Each citizen is entitled to one vote to elect the Assembly of Deputies, the Senate, and the President of Romania.

Article 6—The Assembly of Deputies is made up of 387 deputies, plus the deputies resulting from the implementation of Article 4 paragraph 2.

The Senate is made up of senators elected in accordance with the size of the respective county population, as follows: two senators in counties with a population of up to 500,000 inhabitants; three senators in counties with a

population between 500,001-750,000; four senators in the other counties; 14 senators in the Bucharest Municipality.

Article 7—The members of parliament are elected by electoral constituencies established in accordance with the present decree-law.

The president of Romania is elected by citizens who have the right to vote, throughout the country.

Each party or political group may present only one list of candidates in each electoral constituency.

Article 8—The citizens of Romania, regardless of nationality, race, mother tongue, religion, sex, political convictions, or profession have equal and full electoral rights.

Article 9—Entitled to vote are Romanian citizens over the age of 18 or who will be 18 in the year of the elections.

Entitled to be elected to the Assembly of Deputies are citizens entitled to vote who are over the age of 21, and for Senate and for the office of the president, citizens entitled to vote who are over the age of 30.

Only citizens who reside in the country and have a legal profession or occupation are entitled to be candidates.

Article 10—Barred from voting and from being elected are certified mentally disturbed or deficient persons and persons deprived of electoral rights for a period established under court sentence.

Persons who have committed abuses while holding political, judicial, and administrative positions, who have violated basic human rights, and who organized or served as tools of repression in the securitate bodies, the old police, and the militia may not be elected.

The same interdiction applies to persons who are barred by law from belonging to political parties.

Article 11—Candidates for Parliament and for the presidency are proposed by legally established parties or other political groups.

Candidates for parliament are entered on lists that may feature at the most the number of deputies or senators that are to be elected in each electoral constituency.

Each party or political group may propose only one candidate for the office of the presidency. Independent candidates may also run. Both parties and independent candidates may run if they have at least 100,000 supporters.

Independent candidates or lists of independent candidates may be entered for the Assembly of Deputies or the Senate in accordance with paragraph 2. Each independent candidate must be supported by at least 251 citizens entitled to vote.

Candidates for Parliament may run in only one electoral constituency.

Article 12—The date of elections will be established by decree at least 60 days prior to election day.

CHAPTER II. Organization of the Elections

Section 1

Electoral Constituencies

Article 13—Each county and the Bucharest Municipality constitute one electoral constituency.

Article 14—The number of deputies who may be elected in each electoral constituency will be established by the government in accordance with the representation quota obtained by dividing the country's population by 387 deputies as stipulated in Article 6 paragraph 1; a deviation of up to 15 percent is allowed in relation to the size of the electoral constituency.

Article 15—The electoral operations involved in electing the president of Romania will take place in the same electoral constituencies established for electing the Parliament.

Article 16—In accordance with Article 12, within five days of the establishment of the date of elections, the government will number the electoral constituencies, establish the number of deputies and senators, and publish the data in the MONITORUL OFICIAL and the press.

Section 2

Voting Centers

Article 17—Voting centers will be established in communes, towns, and municipalities, as follows:

- a) in administrative-territorial units with a population of over 2,000 inhabitants there will be one voting center per 1,500-3,000 inhabitants;
- b) in communes with a population under 2,000 inhabitants there will be only one voting center.

Voting centers may also be organized in villages or groups of villages with a population of up to 500 inhabitants, if the distance between the villages and the next voting center is greater than five km.

Article 18—Separate voting centers will be set up near military units, hospitals, maternity wards, sanitariums, rest homes, and homes for the aged with at least 50 voters.

Voting facilities may also be organized in railway stations, ports, and airports for voters traveling on election day.

Voting centers will be set up in the vicinity of dormitories for regular students or students entitled to vote who

do not reside in the locality of their school; these centers will serve at the most 2,000 voters.

Article 19—Voting booths will be set up at Romanian diplomatic and consular offices and at economic agencies in countries in which Romania has no diplomatic or consular representation, for members and their families and for Romanian citizens who find themselves abroad on election day. These voting centers will belong to the electoral constituency of Bucharest Municipality.

Voting booths will be set up on vessels sailing under the Romanian flag on election day; they will belong to the electoral constituency in which the vessel is registered.

Article 20—Voters will cast their ballots for both the Assembly of Deputies and the Senate, and for the presidency at the same voting center.

Article 21—The voting centers will be delimited and numbered within 20 days of the establishment of the date of elections by the county mayor's offices and the mayor's office of Bucharest municipality.

The voting centers will be numbered according to municipalities, Bucharest city districts, towns, and communes.

In accordance with paragraph 1, the mayor's offices of the counties and of Bucharest municipality will inform the electorate of the delimitation and numbering of the voting centers, indicating the site of the balloting, too.

Section 3

Electoral Lists

Article 22—Featured on the electoral lists are all the citizens entitled to vote of the localities in which they reside.

The electoral lists will be drawn up by the mayor's offices in the comun, towns, cities, and municipalities, and in the Bucharest municipality sectors.

Electoral lists will be drawn up separately for each voting center: in communes by villages, and in towns, municipalities, and Bucharest's sectors by streets, and will feature the first and last names, age, and address of the voters, in alphabetical order, as well as the number of the electoral constituencies to which they belong.

Special electoral lists will be drawn up for military troops on duty and for the students envisaged under Article 18 paragraph 3.

The special lists for the military troops will be drawn up by military units, and those for the students envisaged under Article 18 paragraph 3 on the basis of proposals made by the leadership of educational institutions.

The body responsible for a list is obligated to immediately inform the mayor's office of the administrative-territorial unit where the voter resides that his name appears on the special electoral list.

The electoral lists will be signed by the mayor and the secretary of the mayor's office; the special electoral lists for military troops will be signed by the commander of the respective military unit.

Article 23—Each voter may appear on only one electoral list.

Article 24—The electoral lists will be posted at least 30 days prior to elections day, in public places and visibly.

The public will be informed through the press or any other means of information, by the body responsible for the lists, of the sites where the lists are posted and can be checked; the electoral lists will also be posted at each voting center for the respective voters.

The original copy of the electoral lists will be kept at the courthouse to which the locality for which they were drawn up belongs. The special lists for the military troops will be kept at the respective military unit.

Article 25—Citizens are entitled to verify that they appear on electoral lists. Appeals concerning registration or any other mistakes in the lists may be filed with the bodies responsible for the lists, and the latter are obligated to issue a ruling within at the most three days of the filing.

Decisions challenged will be resolved within at the most three days by the court in whose area the voter lives or, in the case of special lists, where the respective voters have their residence. The court decision is final and must be executed; the decision is communicated to the persons involved within 24 hours of the ruling.

Article 26—Should a voter change his residence after the electoral lists have been posted, or should he be absent on election day from the locality in which he is to vote according to the electoral list, the bodies that drew up the lists will issue him a certificate so that he can exercise his right to vote, and will note the fact on the list.

On election day, the voter will be registered on a special electoral list at his new permanent or temporary residence by the electoral office of the voting center on the basis of the certificate mentioned in paragraph 1.

Article 27—The bodies that drew up the electoral lists will send them to the constituency electoral offices at least 20 days before election day, and to the electoral offices of the voting centers two days before election day. Any later modification will be communicated within at the most 24 hours.

Section 4

Electoral Offices

Article 28—To ensure orderly elections, a Central Electoral Office, constituency electoral offices, and electoral offices of voting centers will be organized.

Article 29—The Central Electoral Office will be made up of seven Supreme Court justices and 10 representatives

of parties and other political groups designated in descending order by the number of candidate lists they entered for the parliamentary elections throughout the country.

The seven justices will be selected by drawing lots; after they have been selected, they will elect a president of the Central Electoral Office.

The justices and the president of the Central Electoral Office will be elected within five days of the establishment of the date of the elections in accordance with Article 12. The Central Electoral Office will fulfill all its duties in this formation until representatives of the parties and political groups join it.

Upon expiration of the term by which candidacies may be entered and appeals resolved, the parties and political groups will officially communicate to the Central Electoral Office the total number of lists of candidates finalized for the parliamentary elections, and the first and last names of their representatives. The Central Electoral Office will then proceed to complete its membership in accordance with paragraph 1.

If, in accordance with paragraph 1, several parties or political groups have filed the same number of lists, their representatives will be selected by drawing lots, under the supervision of the president of the Central Electoral Office and in the presence of the representatives of the respective parties or political groups.

Communications made later than the term envisaged under paragraph 4 will be disregarded.

Article 30—The Central Electoral Office will monitor the drafting of the electoral lists, their public announcement, and the legal registration of candidates and will check and register the results of the elections; it will also fulfill the other duties incumbent on it in accordance with the present decree-law.

Article 31—The electoral constituency office will be made up of three judges and at the most six representatives of the parties and political groups participating in the elections in the counties or Bucharest Municipality, designated in descending order by the number of candidates they entered.

The three judges will be appointed by drawing lots among the county judges under the supervision of the president of the county court. After being appointed, they will elect a president for the electoral constituency office.

The judges and the president making up the electoral constituency office will be elected within three days of the public announcement of the electoral constituencies.

Upon the expiration of the term by which candidacies may be filed and appeals resolved, the parties and political groups will officially communicate to the electoral constituency offices the total number of final candidacies for the parliamentary elections. The electoral

constituency office will complete its membership in accordance with paragraph 1.

If, according to paragraph 1, several parties or political groups entered the same number of candidates, their representatives will be designated by drawing lots, under the supervision of the president of the electoral constituency office, in the presence of the representatives of the respective parties or political groups.

Communications made later than the term envisaged under paragraph 4 will be disregarded.

Article 32—Appeals concerning the formation and membership of the electoral constituency offices will be solved by the Central Electoral Office within at the most three days of registration. The ruling will be final.

Article 33—The electoral constituency offices have the following duties:

- a) to register the candidacies filed;
- b) to publish and post the required information;
- c) to resolve appeals regarding its own activities and the activities of the electoral offices of the voting centers;
- d) to distribute to the electoral offices of the voting centers the control stamp and "Voted" stamps;
- e) to add up the ballots at the voting centers, note the results of the elections for the respective electoral constituency, and issue the appropriate certificates to the deputies or senators elected;
- f) to send to the Central Electoral Office reports on the results of the elections, noting the ballots counted for the seats assigned and the ballots that will be allocated at the national level to each party or political group, including the lists of candidates who were not elected, as well as any appeals and reports received from the electoral offices of voting centers.

Article 34—The electoral offices of voting centers are made up of a chairman, a deputy chairman, and at most seven members.

The chairman and the deputy will all be judges or other jurists who do not belong to any party or political group, and will be designated by the president of the county court and of Bucharest Municipality by drawing lots among the judges and other jurists of the county or of Bucharest.

If the number of jurists available is not sufficient, the chairman of the electoral office of the voting center or his deputy will be determined by drawing lots among other persons with an impeccable reputation who do not belong to any party or political group.

The lists of jurists other than the judges and of the persons envisaged under paragraph 3 will be drawn up by the county mayoralties and of Bucharest Municipality and will be sent to the president of the county or Bucharest court president at least two days before the formation of the electoral offices of voting centers.

The members of the electoral offices of voting centers will be made up of one representative of the parties and political groups participating in the elections in descending order by the number of candidates entered in the respective electoral constituency. The provisions of article 31 paragraphs 4-6 will be applied accordingly and the drawing will be supervised by the chairman of the electoral office of the voting center.

The electoral offices of voting centers will be formed at least 15 days before election day.

Article 35—Any appeals concerning the formation and membership of electoral offices of voting centers will be solved by the electoral constituency office within at the most three days after registration. The ruling will be final.

Article 36—The electoral offices of voting centers have the following duties:

- a) to receive the electoral lists from the bodies that drew them up and the ballots from the electoral constituency offices for the voters expected to cast their ballots at the respective center, as well as the control stamp and the "Voted" stamps;
- b) to run the balloting operations and to ensure order in and around the voting center;
- c) to count the votes and enter the results;
- d) to resolve appeals regarding their own activities;
- e) to send reports to electoral constituency offices showing the results of the ballots, as well as the appeals filed;
- f) to send to their respective courthouse the ballots used and unappealed and those cancelled, accompanied by a report, as well as the stamps and other polling material.

Article 37—The electoral offices will work in the presence of one half plus one of the total number of their members and will make decisions with a majority of the members present.

Article 38—Candidates in the elections and persons who do not fulfill the conditions envisaged under Article 10 paragraphs 1 and 2 may not be members of electoral offices.

Section 5

Candidacies

Article 39—Candidates for the Assembly of Deputies and the Senate are proposed by electoral constituencies within at the most 30 days before election day.

Presidential candidates are registered with the Central Electoral Office within the same period.

Article 40—Candidacies will be proposed in writing, in three copies, by the parties or political groups participating in the elections, and will be signed by their leadership or, in the case of independent candidates, on

the basis of the list of supporters; independent candidates are obligated to file a statement authenticated by the office of the state notary certifying the signatures of the supporters.

Together with the proposal, the candidates will file a declaration of acceptance of the candidacy.

Article 41—The electoral constituency office will verify compliance with the conditions stipulated by the law for candidacies, and will register the valid candidacies.

One copy of the candidacy proposal will be kept at the electoral office, another will be registered at the county or Bucharest municipal courthouse, and a third, certified by the office, will be returned to the filer.

Citizens, parties, and other political groups may contest candidacies within 10 days of the expiration of the deadline for entering candidacies.

Appeals concerning the acceptance or rejection of candidacies will be resolved within at the most three days of registration by the county or Bucharest municipal court. The court ruling will be final and will be carried out; the decision will be communicated to the interested parties within 24 hours of being pronounced.

Registration with the respective courthouse and resolving appeals regarding presidential candidacies fall under the competence of the Supreme Court of Justice; the provisions of the previous paragraph will be implemented accordingly.

Article 42—Upon expiration of the term for entering candidacies, a report will be drafted and will be signed by the members of the electoral constituency office.

The electoral constituency offices will publish the first and last names, address, political affiliation, profession, and occupation of the candidates in the press and by posting them at voting centers.

The day after the expiration of the terms envisaged under Article 41 paragraphs 3 and 4, the electoral constituency offices will send the final candidacies to the Central Electoral Office, specifying the data envisaged under paragraph 2.

Concerning the office of the president, the provisions of paragraphs 1 and 2 will be applied accordingly by the Central Electoral Office.

Section 6

Ballots

Article 43—The government will establish distinct ballot models for the Assembly of Deputies, the Senate, and the president of Romania, within at the most 10 days of the establishment of the day of elections. Within the same period of time the government will also establish a model for voting center stamps and balloting stamps.

Article 44—The size of the ballots is established by the electoral constituency office in keeping with the number of candidates lists and independent candidates and the space necessary to print them on.

The paper for the ballots will be white and sufficiently thick so that the names and the vote may not be visible on the reverse side.

A sufficient number of boxes for all the candidates will be printed on the ballot pages, except for the last page, which will be left blank for the control stamp.

The boxes will be printed in parallel rows in two columns to the page.

The name of the party, the political group participating in the election, or the notation "independent candidate" or "list of independent candidates" will be printed in the upper left corner.

On the upper right hand corner the box will show the electoral symbol of the parties, political groups, or independent candidates who requested to be identified by a symbol, too.

The boxes on each ballot will feature the lists of candidates identified by first and last name, in the order established by drawing lots, which shall be done by the electoral constituency office. A distinct box will be printed for each independent candidate at the end of the ballot, in the order in which the candidacies were entered.

For the election of the president of Romania the ballot boxes will feature the first and last names of the candidates in the order established according to paragraph 7 by the Central Electoral Office and communicated to the electoral constituency offices within 24 hours of the expiration of the deadline for entering candidacies and resolving appeals.

Article 45—The electoral symbols will be selected by each party, political group, or independent candidate and communicated to the Central Electoral Office within three days of its formation, in accordance with Article 29 paragraph 3.

Should the same electoral symbol be selected by several parties, political groups, or independent candidates, the respective symbol will be assigned by drawing lots.

Electoral symbols may not be selected in violation of the legal order.

The Central Electoral Office will ensure that electoral symbols are published the day after the publication of the model ballot.

Article 46—All the ballots for one electoral constituency office will be printed in letters of the same size, same print pattern, and same ink, in as many copies as there are voters in the constituency plus 10 percent of that number.

The ballots will be printed by the electoral constituency offices through the county and Bucharest mayoralties at the latest 10 days before election day.

Article 47—The ballots will be delivered to the chairman of the electoral constituency office, who will distribute them to the chairmen of the electoral offices of voting centers at least two days before election day. The remittance and distribution of the ballots will be accompanied by a written report to that effect.

Two copies each of the ballots, stamped and cancelled by the chairman of the electoral constituency office will be posted one day before the elections at the respective courthouses and at each voting center.

Article 48—Upon the request of parties, political groups, or independent candidates participating in the elections the electoral constituency office may issue two stamped and cancelled ballot forms for each.

Section 7

The Electoral Campaign

Article 49—The electoral campaign will begin on the day on which the date of the elections is publicly announced, and will close two days before election day.

Article 50—During the electoral campaign, all the candidates, parties, political groups, social organizations, and citizens are entitled to express their views freely and without any discrimination, through meetings, assemblies, television, radio, press, and other mass media.

The means used in the electoral campaign may not contravene the legal order.

Article 51—Access to radio and television during the electoral campaign will be guaranteed and free of payment.

Article 52—Within five days of the opening of the electoral campaign the mayoralties are obligated to designate special sites for electoral posters, in keeping with the number of parties and political groups that have declared their intention to enter lists of candidates and of independent candidates.

The special posting sites will be located in squares, streets, and other public places frequented by citizens, without disrupting traffic on public roads and other activities in the area.

No party, political group, or independent candidate may use the special posting sites in such manner as to prevent others from using it.

Electoral posters may be displayed in places other than those established under paragraph 1 only with the permission of the respective owners or users.

Article 53—The parties and political groups participating in the electoral campaign will be subsidized from

the state budget; the size of the subsidy will be decided at the same time as the date of the elections.

After the enactment of the present decree-law the electoral campaign may not be financed with funds from abroad or from other sources that have not been publicly declared.

CHAPTER III. The Elections

Article 54—Each voting center must have a sufficient number of booths, polling boxes, and voting stamps.

The booths and ballot boxes must be placed in the same room as the chairman's desk. The booths, ballot boxes, and stamps will be supplied by the communal, town, municipal, and Bucharest district mayoralties.

The chairman of the electoral office of the voting center must be present at the voting center on the eve of the elections at 1800, and is obligated to immediately take the necessary measures to ensure orderly and correct voting operations.

The chairman will decide the deployment of guards around the voting site.

Article 55—On election day at 0500 the chairman of the electoral office of the voting center, in the presence of the other members, will check the ballot boxes, the electoral lists, the ballots, and the stamps, after which he will close and seal the ballot boxes and apply the control stamp of the voting center on them.

The chairman is obligated to ensure the application of the control stamp on the ballots.

Article 56—The chairman of the electoral office of the voting center is obligated to take the necessary measures to ensure orderly elections.

For this purpose, his prerogatives extend outside the voting center, to its yard, yard gates, the area around the voting center, and the streets and public squares within a radius of 500 m.

Aside from the members of the electoral offices of voting centers, candidates, accredited Romanian and foreign press, cinematography, radio, and television representatives, no other person may linger in public places in the voting area or building longer than the time necessary to vote.

The chairman of the electoral office of the voting center will be provided with the necessary means of maintaining order by the county and Bucharest mayor's offices.

Article 57—All polling will be done in one day; it will begin at 0600 and will close at 2300.

Article 58—The voters will cast their ballots only at the voting centers where they are registered, with the exceptions stipulated under Articles 19 and 26.

The voters will enter the polling halls in as many numbers as there are polling booths. Each person will present his identity card to the electoral office of the voting center which, after verifying the registration list or noting the certificate issued according to Article 26, will hand them the ballots and voting stamps.

The voters will cast their ballots individually in closed booths, by applying the "Voted" stamp inside the box showing the list of candidates or the independent candidate they selected.

The "Voted" stamp must be round and smaller in size than the box.

After making their selection, the voters will fold the ballots with the blank page bearing the control stamp on the outside and place them inside the ballot boxes, making sure that they do not open.

Folding the ballot wrong does not void it provided secrecy is preserved.

Should the ballot inadvertently open, it will be voided and the voter will be issued a new ballot, and the fact will be noted in the report on the polling operations.

The voting stamp is then returned to the chairman.

The chairman may take measures to ensure that a voter does not remain longer than necessary in the voting booth.

Article 59—The chairmen, members of the electoral offices of voting centers, and the persons in charge of order will cast their ballots at the center at which they are active, on the basis of certificates attesting their right to vote.

Article 60—The candidates and any voter are entitled to challenge the identity of a voter. In such cases, the chairman may use any means he deems necessary to establish the person's identity. If the challenge is justified, the chairman will not permit the respective person to vote, will note the fact in a report, and will apprise the police of the situation.

Article 61—The chairman of the electoral office of the voting center may suspend balloting if he has valid reasons to do so.

Balloting may not be suspended for more than one hour; an announcement to that effect will be posted on the door of the voting center at least one hour prior to the fact. The overall duration of breaks may not exceed two hours.

During the break in polling, the ballot boxes, stamps, ballots, and all the material of the electoral office will remain under continual guard; the office members may not leave the hall all at the same time.

The persons who under Article 56 paragraph 3 are entitled to attend the polling cannot be forced to leave the hall during that time.

Article 62—No one may be allowed to be present in the polling booth other than the person who is casting his ballot.

A voter who has sound reasons—verified by the chairman of the electoral office of the voting center—not to cast the ballot by himself, is entitled to call upon any other person to help him in the booth.

Article 63—Upon the request of persons who cannot reach the polls for reasons of health or infirmity, or upon the request of the managements of health care or social welfare institutions, the chairman of the respective voting center will designate several members of the center to take a special ballot box and the necessary material to the voter's site to allow him to cast his ballot.

Article 64—At 2300 the chairmen of the electoral offices of voting centers will declare the polling closed.

CHAPTER IV. Establishing Polling Results

Article 65—After voting is closed, the chairmen of the electoral offices of voting centers will cancel the unused ballots and open the ballot boxes, in the presence of the office members and, according to case, the persons envisaged under Article 56 paragraph 3.

Upon opening each ballot the chairman will read aloud the list of candidates or the first and last names of the independent candidate that were selected and will show the ballot to those present.

Ballots not bearing the control stamp of the voting center; ballots of a model different than the legally approved ones; ballots not bearing the "Voted" stamp, and ballots on which the stamp was applied on several boxes, will be void and will not be counted among the votes.

The results will be marked on two tables: One will be kept by a member of the electoral office, and one by the candidates present.

The total number of voters; the number of void ballots; the lists of candidates or the first and last names of independent candidates, and the numbers of votes won by each one will be noted on the tables.

Article 66—After the ballot boxes have been opened and the votes counted, the chairman of the voting center will write a report for the Assembly of Deputies, the Senate, and the president of Romania, in two copies. The report will show, according to case:

- a) the number of voters, as per voters' lists;
- b) the number of voters who came to vote;
- c) the total number of valid ballots;
- d) the number of void ballots;
- e) the number of votes won by each list of candidates or each independent candidate;
- f) the number of votes won by each candidate for the office of the president of Romania;

g) a concise report on any appeals and challenges and how they were resolved, and of any appeals filed with the electoral constituency office.

The reports will be signed by the chairman and members of the office.

Absence of the signatures of some office members will not affect the validity of the report. The chairman will make a note of the reasons accounting for any absent signatures.

Article 67—Appeals and challenges concerning the polling and opening of the ballots may be filed throughout those operations.

Challenges will be filed in writing and remitted to the chairmen of the electoral offices of voting centers, who will issue a receipt for them.

The chairmen of the electoral offices of voting centers will immediately rule on appeals that cannot be postponed.

Article 68—A file will be compiled for each category of bodies elected, including: reports and appeals concerning the polling operations of the center, and void and contested ballots. The stamped and sealed files will be sent to the electoral constituency office by the chairmen and members of the electoral offices of voting centers, under military guard, within at the most 24 hours.

The electoral constituency office will send one of the copies of the report to the county courthouse; the parties, political groups, and independent candidates may obtain legalized copies of the report.

CHAPTER V. Centralizing and Counting Election Results

Article 69—After receiving the reports with the vote counts from all the electoral offices of voting centers and after resolving any challenges and appeals, the electoral constituency office will add up the votes and assign seats as per Articles 71 and 72.

For this purpose, the electoral constituency office will note the number of votes obtained by each list of candidates or independent candidate throughout the constituency.

The number of ballots cast for each candidate for the office of the president of Romania will also be added up.

The proceedings of the electoral constituency office may be attended by the persons listed under Article 56 paragraph 3.

Article 70—The elections are valid in an electoral constituency if at least half plus one of the total number of voters participated in the polling.

Article 71—The seats for deputies will be assigned in several stages, as follows:

a) In the first stage, the number of seats for each list of candidates and for independent candidates will be determined in accordance with the electoral coefficient, which is calculated by dividing the total number of valid ballots cast for all the lists and independent candidates by the number of votes attributed to each constituency; the electoral constituency office will assign to each list as many seats as the electoral coefficient goes into the total number of ballots cast for the respective list; the seats will be assigned to each list in the order in which the candidates appear on it, beginning with the list of candidates which won the most votes; also, the independent candidate who won a number of votes at least equal with the electoral coefficient will be declared the winner.

Ballots left over after the assignment of seats, and those falling below the electoral coefficient will be viewed as unused votes for each list of candidates of the parties or political groups;

b) in the second stage, the Central Electoral Office will add up the unused votes for the entire country for each party or political group; the number of votes thus obtained by each party or political group will be divided successively by 1, 2, 3, 4, etc., with as many divisions as the number of seats left unassigned throughout the country in electoral constituencies, as a consequence of the provisions envisaged under letter a); a number equal to that of the seats that are to be assigned will be registered from among the quotients thus obtained in order of size; the smallest of these quotients will serve as electoral distributor; each party or political group will be assigned as many seats as the electoral distributor goes into the total number of votes centralized for the entire country for the respective party or political group; the assignment of seats will begin with the party or political group whose lists of candidates won the most votes and will continue down to the complete allocation of the remaining seats, in accordance with the number of votes centralized for each party or political group;

c) in the third stage, the candidates of each list who are to be assigned a seat, following the allocation at the national level, are determined in accordance with the procedure specified under letter b); for this purpose, the Central Electoral Office will establish for each party or political group that won seats in accordance with letter b) the percentage of unused ballots from each electoral constituency, from the total number of unused ballots added up for the entire country for the respective party or political group; the percentage points obtained will be listed in descending order, according to size, for each electoral constituency; the number of seats that will be allocated to the candidates listed at each constituency will be determined according to the above percentage; if the resulting numbers are not whole numbers they will be rounded out, proceeding from an average value established by dividing the sum of all the decimal fractions to their number; fractions under the average value will be ignored. If not all the seats allocated to a list in the second stage can be assigned, the remaining seats will be allocated to the respective list according to electoral

constituency, in the descending order of the percentage points won by those constituencies, until the entire number of seats allocated to the respective list has been assigned. If in the course of this last procedure, these percentage points are equal in two or more constituencies and the number of ballots is not sufficient to be allocated to all those constituencies, they will be assigned by the respective party or political group.

The electoral constituency office will issue certifications of the election of deputies in accordance with the provisions under letter c), on the basis of a communication from the Central Electoral Office, within 24 hours.

Candidates appearing on lists who were not elected after the three stages cited in the present article will be declared substitutes for the respective lists. Should the deputy seats elected on the basis of the lists entered by the parties and political groups become vacant, the substitutes will take the free seats in the order in which they appeared on the lists.

Article 72—The senate seats will be allocated by the electoral constituency office.

The number of seats won by each list of candidates and by independent candidates will be established according to the electoral coefficient, determined by dividing the total number of valid votes cast for all the lists and independent candidates by the number of seats allocated to each electoral constituency; the electoral constituency office will allocate to each list as many seats as the electoral coefficient goes into the total number of ballots cast for the respective list; seats will be allocated on each list in the order in which the candidates appear on the list, beginning with the list which won the most votes; similarly, the independent candidate who won a number of votes at least equal with the electoral coefficient will be declared winner.

In the case that, according to paragraph 2, unassigned seats are left over, the electoral constituency office will distribute them among the lists or independent candidates in descending order of the ballots left unused as a result of the application of the electoral coefficient.

Should senate seats be left vacant, the provisions of Article 71 last paragraph will be duly implemented.

The electoral constituency office will issue to the candidates elected certification of their election as senators.

Article 73—The votes cast for the office of the president of Romania will be centralized by the Central Electoral Office.

The candidate who won at least half plus one of the votes of the voters appearing on electoral lists will be declared president of Romania.

If none of the candidates won this majority, a second round of elections will be organized on the second Sunday after election day between the first two candidates classified by the number of votes obtained.

The candidate who won the largest number of votes at the second round of elections will be declared elected.

Article 74—If less than half plus one of the voters registered in an electoral constituency went to vote, the electoral constituency office will mention the fact in its report, immediately alerting the Central Electoral Office to the situation, with a view to organizing new elections.

The new elections will be held two weeks from the date of the previous elections; the same lists of voters will be used.

Article 75—The electoral constituency office will draft one report each for the Assembly of Deputies, the Senate, and the president of Romania concerning all the electoral operations, the vote count, and the notation of the elections results.

According to case, the report will show:

- a) the number of voters in the respective electoral constituency as per the voters lists;
- b) the total number of ballots cast;
- c) the total number of ballots won by each list or independent candidate;
- d) the number of void ballots;
- e) the manner in which the provisions of Article 71 letter a) and 72 were implemented, the first and last names of the candidates elected, and, according to case, the party or political group that ran them;
- f) the number of votes left unused as a result of the application of the electoral coefficient to each list separately and the candidates not elected on the lists of each party and political group;
- g) the number of votes won by each candidate for the office of the president of Romania;
- h) a concise report on the proceedings, challenges, and decisions of the electoral constituency office.

The report, accompanied by the appeals, challenges, and reports received from the electoral offices of voting centers, will be put together into a file closed, sealed, and signed by the members of the electoral office, and will be sent under military guard to the Central Electoral Office within at the most 48 hours.

Article 76—The Central Electoral Office will deal with the appeals and challenges filed and its rulings will be final; after that it will draft a report each for the Assembly of Deputies, the Seante, and the president of Romania, featuring, as the case may be:

- a) the total number of voters as per the electoral lists;
- b) the total number of voters who went to vote;
- c) the total number of ballots cast throughout the country;
- d) the number of void ballots;
- e) notes on the implementation by the electoral constituency offices of the provisions of Articles 71 letter a) and 72;

f) the allocation of ballots according to Article 71 letters b) and c) and the first and last names of the deputies thus elected, as well as each one's electoral constituency;

g) the number of votes won by each of the candidates to the office of president of Romania;

h) the organizations representing national minorities which, according to Article 71, did not win any deputy seat; the first and last names of the first candidate on the lists of those organizations that won the largest number of votes and which, according to Article 4 paragraph 2, will be designated deputy.

The reports will be signed by the chairman and other members of the office in whose presence they were drafted.

The certification of the deputy cited under letter h) will be issued by the Central Electoral Office.

Article 77—The Central Electoral Office will submit the reports cited under Article 76 to the Assembly of Deputies and the Senate for the purpose of validating the elections.

These reports will be accompanied by the files compiled by the electoral constituency offices.

For the office of the president of Romania the report and the election file will be submitted to the Supreme Court of Justice.

If the court finds that none of the candidates won a majority of votes, the procedure will follow Article 73 paragraph 3.

Article 78—The election results will be published in the MONITORUL OFICIAL and in the press by the Central Electoral Office.

CHAPTER VI. The Parliament

Article 79—The Assembly of Deputies and the Senate will be legally convened in a first session on the 20th day after election day; each house will separately elect, under the chairmanship of its doyen, a validation commission from among its members, made up of representatives of several parties or political groups.

The validation commissions will check the files and the legality of the elections, after which they will propose the validation or invalidation of the elections of each deputy and senator; validation or invalidation will be decided by each house separately.

After the validation of the representatives and after the Assembly of Deputies and the Senate have been declared legally formed, they will each elect working bodies and adopt bylaws.

Article 80—The Assembly of Deputies and the Senate in joint session will legally form themselves into a Constitutional Assembly for the purpose of adopting Romania's Constitution. The Constitutional Assembly will be chaired by the spokesmen of the Assembly and the Senate by rotation.

Until the Romanian Constitution comes into effect the Parliament will also work as a legislative assembly. After the enactment of the Constitution the Parliament will decide on the organization of new elections within at the most one year.

CHAPTER VII. The President of Romania

Article 81—The election of the president of Romania will be validated by the Supreme Court of Justice, in plenum, within 20 days of election day.

The court decision will be announced in a joint session of the Assembly of Deputies and the Senate. From that date the candidate elected is declared president of Romania.

Once elected, the president of Romania may not belong to any party or political group.

Should the office of the president become vacant, or should the president become incapable of discharging his duties, the president of the Senate will become president ad interim of Romania. When the office of the president becomes vacant, elections will be organized within at the most three months.

Article 82—The President of Romania:

a) Appoints the representative of the party or political group that won the majority of seats in parliament as prime minister; should such a majority not have been obtained, the president will designate another deputy or senator, after consulting with the parties and political groups represented in Parliament; the list of the government is submitted to the Assembly of Deputies and the Senate for approval; the president also accepts the government's resignation from the prime minister;

b) appoints the president and members of the Supreme Court of Justice, in consultation with the Senate, as well as the Attorney General;

c) may convene Parliament in special session;

d) may dissolve the Constitutional Assembly, with the agreement of the prime minister and the presidents of the Assembly of Deputies and the Senate, if a Constitution has not been adopted within nine months; if it has not adopted a Constitution within at the most 18 months of its formation, the Constitutional Assembly will be automatically dissolved;

e) delivers annual state-of-the-nation addresses in Parliament;

f) may declare partial or general mobilization of the Army, with prior Parliamentary agreement; in exceptional cases, the president's decision will be sent to Parliament for approval within at the most five days of being issued;

g) declares partial or general state of emergency, with Parliament's approval issued within at the most five days of the adoption of the measure;

h) signs international treaties and submits them to Parliament for ratification;

i) appoints and recalls diplomatic representatives and receives representatives of other states;

j) grants pardon and commutes sentences;

k) awards the ranks of general, admiral, and marshal;

l) awards decorations and honorary titles;

m) promulgates laws.

The president of Romania issues decrees in the exercise of his office. The decrees are countersigned by the prime minister.

Article 83—Should the president commit actions that make him unworthy of the presidency, he will be suspended by a joint vote of the Assembly of Deputies and the Senate. The president may be impeached only by referendum, organized within at the most one month of his suspension by Parliament.

Parliament may suspend or propose the impeachment of the president only if a decision to that effect was required by at least one third of the members of the Assembly of Deputies and the Senate.

CHAPTER VIII. Transgressions and Infractions

Article 84—Unless declared as infractions by the law, the following actions will constitute transgressions:

- a) willfully registering a person on several electoral lists; registering fictitious persons or persons who are not entitled to vote on electoral lists, and violating the regulations regarding the posting of electoral lists;
- b) unjustified refusal to issue a certificate regarding the exercise of the right to vote to the persons concerned;
- c) failure by organizers to take the necessary measures to ensure orderly electoral meetings, and distributing and drinking alcoholic beverages during such meetings;
- d) destroying, damaging, soiling, writing on, or in any other way covering up electoral lists, posted platform-programs, or any other printed electoral propaganda material;
- e) posting electoral propaganda material in places other than those authorized in accordance with the provisions of the present decree-law;
- f) agreement by a person to be registered on several lists of candidates;
- g) failure by the members of electoral constituency offices to publicly announce candidacies;

h) refusal to allow access to voting centers to persons such as the ones cited under Article 56 paragraph 3;

i) refusal to comply with the instructions of the chairmen of electoral offices of voting centers regarding order in the building and around it, in accordance with Article 56 paragraph 2;

j) unjustified refusal to hand over ballots or balloting stamps to persons registered on the electoral lists or who present a certificate attesting to their right to vote, or handing ballots to voters who do not present an identity card;

k) reports drafted by electoral offices of voting centers in violation of the provisions of Article 66;

l) continuing electoral propaganda after the closing of the electoral campaign in accordance with Article 49, and counseling voters to vote or not to vote for a certain party, political group, or independent candidate on election day at voting centers or in the locations cited under Article 56 paragraph 2.

Article 85—The transgressions listed under Article 84 letters d, e, and h will be fined between 2,000-5,000 lei; those under letters f, g, k, and l 5,000-15,000 lei, and those under letters a, b, c, i, and j will incur disciplinary imprisonment from one to six months, or a 15,000-30,000 lei fine.

Article 86—The transgressions listed under Article 84 will be noted in reports written by:

- a) police officers and non-commissioned officers for the actions listed under letters a, b, c, d, e, g, h, i, j, and l;
- b) mayors and their deputies for the actions listed under letters d and e;
- c) the chairmen of electoral constituency offices for the actions listed under letters f and k.

In the case of the transgressions listed under letters d, e, f, g, g, k, and l the reporting officer will also note the fine applied in his report.

The transgressions listed in the preceding paragraph are also subject to the provisions of Law No. 32/1968, with the exception of Article 26.

Reports on the transgressions listed under letters a, b, c, i, and j will be submitted to the courthouse in whose area they occurred; the court will hand down a punishment in accordance with Decree No. 153/1970.

Article 87—Using any means of preventing citizens from exercising their right to vote or to be elected is punishable by six months-five years imprisonment and deprivation of certain rights.

The punishment for actions such as those listed under paragraph 1 which caused bodily harm or health damage necessitating more than 60 days of care or which caused one of the following consequences: loss of a sense or an organ or loss of their use, permanent physical or emotional damage, wounds, abortion, or endangering a person's life, is three to ten years imprisonment.

Attempted actions of this kind will also be punished.

Article 88—Any violation of the secrecy of the ballot by members of the voting centers or other persons is punishable by six months-three years imprisonment.

Attempted violations of this kind will also be punished.

Article 89—Promising or giving money or other bribes in order to persuade voters for or against a certain list of candidates or an independent candidate, and accepting such bribes by voters for the same purpose, or exercising the right to vote in violation of the provisions of Article 5 will be punished by six months-five years imprisonment.

Article 90—Using fake ballots, entering into ballot boxes ballots that were not selected by the voters, or using any means to falsify documents from electoral bureaus will be punished by two-seven years imprisonment.

Attempted actions of this kind will also be punished.

Article 91—Any attack on voting centers and the theft of ballot boxes or electoral documents will be punished by two-seven years imprisonment, unless the action constitutes a more serious infraction.

Attempted actions of this kind will also be punished.

Article 92—Opening a ballot box before the time set for closing the polling will be punished by one-five years imprisonment.

Attempted actions of this kind will also be punished.

Article 93—The limits on punishments for the infractions listed in the Penal Code or in special penal laws, with the exception of those envisaged under Articles 87-92, committed in connection with the elections, in accordance with Chapter III of the present decree-law, will be increased by one half of the special maximum punishment.

Article 94—Penal actions against all infractions committed in connection with the election of the Parliament and the president of Romania will be automatic.

CHAPTER IX. Final and Provisional Rules

Article 95—Electoral expenditures will be financed from the state budget.

Any documents issued within the exercise of the electoral rights envisaged in the present decree-law are exempted from stamp duty.

Article 96—The legally formed organizations of the national minorities which are represented in the Provisional National Unity Council will be viewed as political groups if they enter lists of candidates on behalf of the respective minorities.

Article 97—The Romanian Government will provide statisticians and the necessary auxiliary personnel to assist the electoral offices.

For the duration of their duties, the electoral officers, their members, the statisticians, and the auxiliary technical personnel will be treated as employees on temporary duty.

Article 98—Court rulings on appeals, challenges, or any other requests envisaged under the present decree-law will proceed in accordance with the rules established by the law for presidential ruling, with the obligatory participation of the prosecutor.

Article 99—The present decree-law will be enforced until the adoption of the electoral law drafted on the basis of the new Constitution.

Article 100—Election Law No. 67/1974 and any other contrary regulations are hereby abrogated.

Ion Iliescu, president of the Provisional National Unity Council

Bucharest, 14 March 1990 No. 92

GERMAN DEMOCRATIC REPUBLIC

Details Provided on Security Service Sports Organization

90EG0214A Frankfurt/Main FRANKFURTER
ALLGEMEINE in German 10 Mar 90 p 25

[Article by Michael Reinsch: "Dynamo of the State Security Service Club no Longer Has Any Zip to it"; first paragraph is FRANKFURTER ALLGEMEINE introduction]

[Text] In the past they constituted a tremendous power. The "sports organization of the protective and security organs", police, and State Security Service not only had over 280,000 members, a fulltime staff of 4,000 and M 215 million annually but also political influence far beyond the impressive successes. Erich Mielke, the minister for state security, over the resistance of the sports leadership, was even able to set up an ice hockey top league. Now Mielke is in pretrial detention and the State Security Service club and above all the showpiece Dynamo Berlin must live with the heavy legacy.

Berlin. Across from the gatehouse a slogan from the recent past hangs resplendent in bronze letters: "Dynamo—that means courage—boldness—militancy for socialism." Hugo Herrmann, the chief, acts quite surprised: "What does it say? I don't know anything about that." Col. Herrmann of the GDR People's Police works on the third floor in this militarily decorated concrete block and yet is in the top position. Since early February he heads the office of the central management of the Dynamo Sports Association.

Just a few weeks ago he would have been one of the most powerful men in the GDR in this position. At that time the command positions were still reserved for the comrades of the Ministry for State Security. People's Police Officer Herrmann moved up from the position of deputy chief for competitive sports when Col. Harry Tesch had to leave after only two months. Like his predecessor Maj. Gen. Heinz Pommer and many potential replacements he came from the State Security Service.

Minister for State Security Erich Mielke was honorary first chairman of the most powerful sports association in the GDR Gymnastics and Sports Federation. The leader of spies and thugs in public service brought Dynamo up to speed by all available means so that it would represent the right radiating force of socialism.

The "sports organization of the protective and security organs" police, customs, and State Security Service—according to the report at the roundtable of 14 February—had an annual budget of M 215 million. It had 280,000 members and a full-time staff of 4,000 who romped about in 10 sports clubs and 15 bezirk organizations. They played, fought and trained in facilities whose value is estimated at M 840 million. A total of 149 Olympic medals, including 44 gold medals, were won by Mielke's sportsmen. The GDR, since it had its own team

in 1968, had a total of 192 Olympic victories. Ilona Slupianek (track and field sports) and Joerge Woithe (swimming) competed for Dynamo, as did Maxi Gnauck (gymnastics) and Lutz Eigendorf (soccer), Frank-Peter Roetsch (biathlon) and Uwe-Jens Mey (speed skating). In 1989 this most powerful pillar of GDR sports was in the lead with a self-calculated "performance share" of 32 percent.

Now since the State Security Service is to be disbanded and customs has withdrawn from Dynamo, the Ministry of the Interior and its People's Police are keeping Dynamo going. This is quite a millstone around their neck. A total of 85 Dynamo facilities must be maintained with funds whose official part has been cut by 40 percent. The bobsled and sled run in Altenberg costs 10 million annually. For the sports forum in Berlin-Hohenschonhausen, a showpiece of GDR competitive sports, an amount of M 47 million is due annually. Here at the headquarters of the central management with 300 members up to now, there are on 54 hectares of land a speed skating hall with a 400-meter rink, two swimming pools, a soccer stadium, the large Dynamo hall as well as halls for track and field sports, fencing, volleyball and hand ball, judo and boxing, figure skating, ice hockey, and body building.

Whoever passes the recently unoccupied guard house and the open barriers sees there was more to Dynamo sport than sports facilities. There is an apartment house for 300 sportsmen; a gigantic leisure time and service complex with large-scale catering establishment, dining rooms, bowling alleys, and Cafe Olympia; a hotel with a fine restaurant that no one in sports clothing is permitted to enter. A sports medicine service on four floors with surgical department. Three low buildings from the sixties for just under 1,000 students in two children's and youth sports schools, the young talent for Dynamo.

The installations and facilities of the "greatest sports club in the world," as the Berlin Dynamo sports club liked to call itself, are now open to civilians, too. But strangers hesitate to use swimming pools, halls for ball-games, and saunas. The skating rink is very busy when the public uses it. Some of the 12 full-time trainers for speed skating busy themselves as hosts and even hire a disk jockey for this purpose. When bodybuilders asked for admission to the body building facilities of the sports stars, their request was granted. But disappointed, many left the dark and dreary rooms in which discarded equipment lies on wornout rubber and leather mats. They had expected studios gleaming with chrome.

The dreariness is spreading. Dynamo has no longer any zip. Not even half of the 280,000 members are there any longer. In early February there were 110,000. A third of the fulltime staff is to leave. Herrmann wants to reduce the management by as much as 70 percent. Sportsmen and trainers are to lose their officers' pay and to continue as civilians. "Dynamo as a socialist association for practical purposes is long outdated," says the executive secretary. He sits there under an oil painting of Lenin

and pushes the renaming to Police Sports Association. Soccer BFC Dynamo, Mielke's favorite child, with a soccer field in the middle of the forum terrain, in the meantime competes as FC Berlin. Second-league clubs Eisleben, Fuerstenwalde, and Schwerin will be separated out effective 1 July, which reduces the burden on the Dynamo budget by M 12 million. The Hoppegarten and Eilenburg clubs are being disposed of—they were practically military institutions. The handball team of Dynamo Halle-Neustadt reached its end before the top league season was over. Headquarters had nothing to do with that. The handball players played exclusively for their enjoyment and at the expense of the Halle Bezirk State Security Service management. The fun is said to have cost 1 million a year.

Mielke was a sponsor in the same though more costly style. Contrary to a decision made by the sports leadership he kept ice hockey alive and maintained top league teams in East Berlin and Weisswasser. "Once he is gone," National Olympic Committee President Manfred Ewald is said to have stated, "ice hockey will be gone, too." The patronage in which Mielke acted as a generous sports fan, only a ruler like he was could afford that.

Herrmann still has difficulty looking at things this way: "Mielke, a person charged with crimes—that is something one has to learn to comprehend." He likes to recall the state Security chief rushing into the dressing room and shouting all over. Not only the BFC soccer players but also the referees were exposed to his whims when they incurred his displeasures.

The People's Police colonel does not want to understand that to some Dynamo was a synonym for the State Security Service. He said only 17 percent of the members actually came "from that ministry." And some—he chooses his words carefully—also said it was a good thing that sports were promoted by such a fund rather than by anything else. No State Security atmosphere was even felt among the members, he said. Neither sportsmen nor trainers nor functionaries ever had intelligence missions, he said. There are sportsmen who are of a different opinion and claim to be able to name delegation members who collected information. Herrmann admits only that information on colleagues and sportsmen from the West was passed on after a trip. "But that holds true everywhere," he says.

Great harm would be inflicted on sport, Herrmann says, if the sports association were abolished whether its name is Dynamo or PSV [police sports association]. "And," he adds, "it would be undemocratic."

Border Troop Commander on New Missions

90EG0218A East Berlin VOLKSARMEE in German
No 6, Feb 90 pp 6-7

[Interview with Maj Gen Dieter Teichmann, deputy commander and chief of staff of the GDR Border Troops by Lt Col Helmut Herold; place and date not given: "From Border Security to Border Monitoring"]

[Text] [VOLKSARMEE] Sir, up to now the mission of the border troops has been to prevent an unauthorized crossing of the border. Today, a sizable effort is required to deal as smoothly as possible with the stream of people traveling from East to West and vice versa—in this situation, can one speak of a new mission for the border troops?

[Teichmann] The specifics of what happens at the border within the sovereign competence of every state does not depend on the border and the personnel assigned there. It is instead a variegated pattern of actions and reactions, a reflection, so to speak, of the relations of contiguous states to one another.

It lies in the nature of national borders that they serve both to separate and to link. And under the conditions prevailing at this time, it is the linkage aspect, particularly, to which we must face up far more. Also the border system prevailing along the national border between the GDR and adjoining states must conform to this. When you look at it this way, our mission has changed, been expanded.

On the other hand, calm, order and security must prevail along the national border under the new conditions as well. In my view, it is the legitimate right and binding mission of every sovereign state, in accordance with its constitution, to assure its territorial integrity and the inviolability of its borders. That is the mission given to us by the constitution, at least until such time as the concept presented by Prime Minister Modrow for a unified Germany becomes reality.

[VOLKSARMEE] The political turning point in our country has thus had an effect on the border troops as well?

[Teichmann] Yes, of course. And so we regard fundamental changes with respect to structure, training, and equipment as inevitable. In the armament of the border troops, for example, we have initiated important steps to insure, especially in the Border Command Middle, that the heavy equipment assigned there, including armored personnel carrier [APC] equipment, is detached from the border units and reassigned—this process is currently under way. The APC equipment is being scrapped as a matter of principle. The artillery equipment, which we had in the organization of the Border Command Middle, for instance, will be turned over to central depots of our ministry. To what extent the decision to scrap this equipment will be made there lies outside the competence of the border troops.

This extends all the way to the question of reductions in personnel. From November until mid-January, we either released from active duty, or reassigned to the economy, approximately 3,000 members of the border troops. The released personnel also consisted in part of early discharges, primarily of conscripts and extended-term NCO's, but in some cases also of career cadre members who prior to their military service had worked in the health or transportation sectors.

In keeping with the resolution of the minister for national defense relative to the measures for early discharges, all soldiers serving their basic obligatory military tour and who had served for 12 months in the border troops, and all NCO's who after 24 months of service have the right to apply for release from active duty, were released by 26 January. This affected approximately 11,500 members of the border troops who were released in this way. This means that, as of 27 January, the border troops had nearly 15,000 fewer men at their disposal.

[VOLKSARMEE] How many does this leave? Or is that a secret?

[Teichmann] Please try to understand, but I would prefer not to go into that!

[VOLKSARMEE] Certain structural changes in the border troops began in our country prior to the political turning point already. Would you please tell our readers what has been done in this respect?

[Teichmann] At the direction of the National Defense Council of the GDR in January 1989, we, the border troops, changed over to a new structure along the national border with the FRG in less than a half year. The aim of this reorganization, which we completed on 1 December 1989, was the establishment of a high degree of congruence with the territorial-administrative subdivision of our country, so as in this way to be able to conform still better to local conditions.

We are of the opinion that, with these measures, the tasks of reliably securing our national border, as well as the character of the border security forces as an independent organ which is not a part of the National People's Army, can be more effectively dealt with. Instead of a rigid military organization of the border troops, we established border kreis and border district commands, and in this way further streamlined our command structure and also minimized the number of personnel assigned to the command organs.

In this way we reduced the number of our command organs along the border with the FRG from 49 to 27. This led of necessity to a streamlining of the command channel, and better prerequisites were created for dealing with important questions with greater independence and doing so at the locale at which they need to be professionally and quickly resolved. The command system used to date, with its border commands, border regiments, border battalions, and companies, did not come close to taking this into account.

According to the old structure, a battalion commander, for example, had partners in two or even three "kreise." In the new distribution of our units and commands, the existing territorial-administrative borders were considered. We as border personnel need the territory as an absolutely indispensable partner—the mayor of the border community, the municipal council, indeed, all citizens, actually, with whom, in a spirit of comradeship

cooperation, we implement our constitutional mandate and the provisions of the Basic Law, which does, after all, also establish in writing the duties of every citizen.

[VOLKSARMEE] Could one characterize the border troops as especially innovative?

[Teichmann] Why not. The new conditions prevailing along the national border doubtlessly require a different approach to the organization of the measures to be taken for the protection of the national border. It is a fact that, until 9 November 1989, we had a total of 45 border crossing points along the national border with the FRG and West Berlin, and that today we already have 142 border crossing points. The 97 additional border crossing points were accompanied by a host of problems, so that, especially along the national border with the FRG, only stopgap measures were taken. We cannot even speak of border crossing points in the conventional sense as far as their structural facilities are concerned. Our personnel assigned there must work most of the time under the most primitive conditions and exposed to all kinds of weather.

For that reason, I would at this point like to express my sincere thanks to all members and civilian employees of the GDR border troops, who tirelessly did everything they could to meet the growing demands of protecting the national border around the clock during the past three months. Only through their personal involvement was it possible to assure public peace and order at the national border. Many thanks to each and every one of our personnel at the border!

[VOLKSARMEE] Speaking of border crossing points, where are you getting the people and the money for these? Vice Premier Luft spoke at a roundtable conference of the fact that the maintenance of a single border crossing point costs M 10 million per year?

[Teichmann] In connection with the newly established border crossing points, it was necessary for us as border troops to carry out a redistribution of forces with our partners of cooperation. The objective was, at each of these newly established border crossing points, to assure the availability of the resources needed to insure a controlled and smooth cross-border flow of traffic.

Meanwhile, the minister for national defense, in keeping with a resolution of the Council of Ministers of the GDR, has decided to assign passport control and wanted persons search duties to the border troops.

With respect to your question concerning financial costs, I must tell you that the funds that must be raised from the state budget for this purpose are of course considerable. And we know that efforts are underway to establish a separate border crossing point in every community. To state it clearly and unequivocally: It is not the border troops who are responsible for the establishment of border crossing points; instead, it is the Ministry for Transportation that is the legal carrier for border crossing points and their facilities.

[VOLKSARMEE] We have received a letter from a reader which contradicts a statement by the commander of border troops appearing in the 1 December 1989 edition of NEUES DEUTSCHLAND, to the effect that the restructuring had already proved itself to be the best possible. The letter demands that experiences at the grass roots level be incorporated into any future structural changes.

[Teichmann] I had already pointed out that problems were encountered in the restructuring. For that reason, let me comment just on the second part of your question. It is a lesson learned from the preparation for and implementation of last year's reorganization process that the determination of structures, guidelines, and tasks under the new conditions now prevailing cannot take place without inclusion of the grass roots level. In putting this perception into effect, one of the steps taken from the end of November on, at the direction of the deputy minister and commander of the border troops, was the formation of a working group which is to prepare a basic study on the function, position, and tasks of the future border protection force of the GDR. With this basic study, we went to the grass roots level, and we engaged in discussions in the border kreis commands and the border district commands. This process will continue with respect to questions of structure and composition of a new command system. We cannot and will not ignore the experiences made at the grass roots level, for in the final analysis it is the people down there who are to support our ideas and put them into practice. While this study was in preparation, the commander of border troops personally spoke at official assemblies attended by all company commanders and policy spokesmen at three border district commands along the border with the FRG and in the Border Command Middle on initial ideas relative to the new look of the border protection force.

[VOLKSARMEE] A while ago, you called the border troops an independent organ which is not a part of the National People's Army. You are currently still subordinate to the Ministry for National Defense, however.

[Teichmann] There was a conversation between the prime minister and the minister for national defense and the minister of the interior in which it was ultimately decided that the border protection force of the GDR is to be removed from its subordinate relationship with the Ministry for National Defense in the year 1990 and will be subordinate to the Ministry of the Interior. We are currently in the process of preparing the necessary resolution by the Council of Ministers which is to serve as the basis for all further steps, for the purpose of completing the turnover/takeover by the end of the year.

[VOLKSARMEE] Border security under the new conditions also means cooperating with the Federal Border Police of the FRG—what form will this take?

[Teichmann] Taking as a point of departure the requirements of a mutually agreed upon "togetherness" under

the conditions which have evolved along the national border in recent months, it was decided that the commanders of our border district commands and the Border Command Middle, as well as the commanders of our border kreis commands, have the right and the obligation to enter into necessary agreements on questions of security along the national border with representatives of the Federal Border Police and the Bavarian Border Police.

All commanders of border district commands, from Priwall to the three-country juncture in the south, have repeatedly had get-togethers and consultations of this type in recent weeks. The same is true for the commanders of the border kreis commands as well as the commanders of the border crossing points, who have almost daily contact with their partners on the other side in connection with the cross-border traffic. In the course of these consultations and coordinating activity, there are also mutually agreed upon stipulations with regard to reciprocal exchanges of information on specific questions along the national border, also from the aspect of insuring security in the interest of both sides. There have been instances in which we were notified by representatives of the Federal Border Police of ongoing or planned activities, such as the formation of groups of people in the immediate vicinity of the border or in the border-crossing traffic, for example. We, too, supplied information on certain things, for example, if demonstrations for the opening of additional border crossing points are planned on our side of the national border. For the sake of thoroughness, I should mention that there are also negotiations of the Federal Ministry of the Interior with the Ministry of the Interior of the GDR, which we are invited to attend as the border troop command whenever specific questions relative to cross-border traffic are involved. The same applies to negotiations taking place within the framework of the GDR-FRG traffic commission.

[VOLKSARMEE] The events at the Brandenburg Gate on 31 December prompt me to formulate this question so pointedly: Do we have the situation at the border under control?

[Teichmann] With the resolution of the Council of Ministers on the opening of the border crossing point at the Brandenburg Gate, the responsibility for insuring security and order at the Brandenburg Gate was transferred from the competence of the border troops to that of the Ministry of the Interior. Since then, it has been the legal right of every citizen to enter the territory in the area of the Pariser Platz, i.e., the area in front of the Brandenburg Gate, as seen from our side, as well as behind the Brandenburg Gate.

In connection with the events on 31 December, we as border troops were responsible for the border crossing point. There were substantial excesses by the rowdy mass of people, which also had an effect on the traffic crossing the border. Ultimately, this led to our being forced to close the border crossing point temporarily.

At this point, I would like to make a very personal remark. The Brandenburg Gate, 200 years old, has experienced many a storm. But at no time in these 200 years has the structure been in the condition that it is in now. These scrawlings and damage cannot be accepted.

[VOLKSARMEE] What is inexcusable at the Brandenburg Gate is tacitly tolerated along the wall. How dangerous, actually, are the people chipping holes in the wall? Do we need a wall to protect the wall?

[Teichmann] The situation that has developed within the area of the GDR capital, especially in the sector between the Reichstagsufer [south bank of the Spree River near the Reichstag building] and Potsdamer Platz, clearly poses a threat to the safety of human beings in the immediate vicinity of the border wall. For in the past several weeks, the rigidity of the wall elements was impaired with hammer and chisel to such a degree that we felt compelled on a number of occasions to call attention to the fact. We also asked representatives of the West Berlin police to take necessary steps of their own. We also know that this was done. But, despite this, the current situation, as you know, remains unchanged, and all you hear is tap, tap, tap. Since the rigidity and safety of the wall in this sector is not assured, at least not along some sections, the deputy minister and commander of border troops proposed to the minister for national defense that the wall running along the border between the Reichstagsufer and Potsdamer Platz be torn down. Now, we do not plan to build a new, substitute border wall there, but instead, in harmony with the architectonic image of the area around the Brandenburg Gate as well as with the overall image of our capital in the Ministergarten/Otto-Grotewohl-Strasse new housing area, to put up a sort of decorative fence to mark the borderline. This proposal was taken note of by the chairman of the Council of Ministers, who for his part decided that this plan was to be put into effect as an act lying within the competence of the lord mayor of the GDR capital. I cannot tell you at the present time, however, what the design of this so-called decorative fence will look like. Whatever is put up there initially can only be viewed as a temporary measure.

A consultation by experts of the city council resulted in the finding that our proposal was welcome but that no one was able to pay for such a fence at this time. The city architects of Berlin were therefore commissioned by the

lord mayor to come up with an alternate proposal. But this, too, has probably undergone a complete change as a result of the Modrow plan.

[VOLKSARMEE] What do you personally think of a colorful wall, and why did we have such a hard time initially reconciling ourselves to the painting thereon?

[Teichmann] I am not opposed to the placement of paintings on the wall. That has been decided anyway, in the meantime, and that's the way it will be. We also offered to let the wall be used for advertising purposes. And, what is more, on both sides, but also in long stretches of the border as well as to either side of our border crossing points.

I do not like it, however, when, in conjunction with a creative design such as this, inflammatory slogans show up on the wall. This was the case with the first paintings, which was the reason we opposed it. I am not saying that this smear campaign came from the artists, necessarily—perhaps these things were added afterwards. We did not investigate this, but instead restored the wall to its original state.

[VOLKSARMEE] Sir, you have given us a very detailed picture of the changes made to date and those still planned for this year. The tasks that you face in the process are certainly not easy. What personal wishes do you have in this connection?

[Teichmann] Personal wishes? We must manage, through utilization of the possibilities at our disposal, and put them into their proper place in the development taking place in our country and the development of the relations between the GDR and the FRG, to be suitably responsible for assuring, with the manning level we have, that a reliable protection of the GDR along its borders is guaranteed, that a controlled cross-border flow of traffic, which is up to international standards, can be assured; that there are no uncontrolled border crossings outside the border crossing points; that smuggling, drug trafficking, and similar activities are reliably precluded. On the other hand, it is also my personal wish that the ill feeling and symptoms of deficient discipline and order that still exist in part in our units be quickly surmounted—in the interest of the fulfillment of the tasks that derive from our constitutionally mandated mission.

[VOLKSARMEE] Sir, we thank you very much for this interview.

GERMAN DEMOCRATIC REPUBLIC

FRG Daily Compares Selected Data

90EG0215A Frankfurt/Main FRANKFURTER
ALLGEMEINE in German 9 Mar 90 p 19

[Unattributed article: "In the GDR the Economic Situation Is Getting Considerably Worse"]

[Text] The economic situation in the GDR has continued to worsen. The exodus has sharply increased since the removal of the border barriers. After years of a laboriously concealed crisis, employment and production losses must now be openly admitted. According to official GDR data, in the current year a decline of between four and five percent of the produced national product must be expected, a reduction of roughly five percent in industrial production. That signifies further strain upon the already critical situation for consumer goods and services.

During the first two months of 1990, the wave of migration to the FRG has obviously grown; people say there is a daily average stream of about 2,000 people. In the second half of 1989 alone, the GDR lost nearly 350,000 inhabitants, including about 220,000 gainfully employed. As a consequence, the produced national income, which corresponds about to the FRG net national product (less the tertiary area), in the fourth quarter was about three percent less than during the same period a year earlier. Overall, the state Central Administration for Statistics reports an increase of two percent as compared to an "output target" increase of four percent. "Over M 5 billion is missing," they say in East Berlin. Industrial production achieved 2.5 percent (plan: 4.2 percent). But the volume of construction, which was supposed to have increased 2.1 percent, stagnated. Especially great plan deficiencies were noted for industrial construction as well as for housing construction. In agriculture the per hectare yields, especially for potatoes and sugar beets, are clearly lower than in 1988.

Price increases are openly revealed for the first time. According to official data, the cost of living and the cost of goods production for the economy as a whole are said to have increased by roughly two percent each. What is even more far-reaching is the admission of unemployment. After there had been "full employment" in the GDR for decades according to official data, labor union circles to start with now mention 70,000 persons seeking employment. FRG experts consider these figures to be far too low. Above all the "hidden unemployment" is not taken into consideration, they say. Now not only marginal "jobs" have to be reduced. In addition, there is the large number of persons employed in the "security field" (State Security Service, People's Army, police, party bureaucracy) who now crowd the labor market because of increasing dismissals. In general the guess is that the actual number of unemployed in the near future will probably reach more, rather than less, than 1 million.

Now what had been embellished and doctored for years for the glory of socialism collapses like a house of cards. Thus the introduction to the 1989 GDR Statistical Yearbook published by the State Central Administration for Statistics in June 1989 includes the following statement: "For the jubilee [50th anniversary] the GDR presents itself as a politically stable and efficient socialist state with modern industry and agriculture, with flourishing science and culture." To preserve this facade, Erich Honecker and the SED [Socialist Unity Party of Germany] state party had "impressive successes" in the past certified to themselves. Accordingly, the produced national income is said to have increased in the past 10 years at stable prices by an annual average of more than four percent, employment by 0.4 percent, the income of the population by almost four percent on an annual average.

However that may have been "calculated," it obviously had little influence on the supply situation and migration. Because of the data for the GDR economy as a whole, which can hardly be checked for the past, comparisons with FRG economic statistics are possible, if at all, only with appropriate reservations. Nonetheless, such comparisons can provide certain indications of differences and agreements (see also table). Thus, the age structure shows that the GDR population is "younger": there 20 percent of the inhabitants are under 15 years of age compared to barely 15 percent in the FRG. The share of gainfully employed with about one-half is about the same in both states. It is conspicuous that in the GDR more women are gainfully employed: 48 percent of all women there are gainfully employed as compared to 37 percent in the FRG. The structure of gainfully employed broken down by economic fields shows that in the GDR a definitely greater share of the gainfully employed are in the fields of agriculture and forestry and in the production industries. The respective shares in the creation of the produced national income are also correspondingly higher.

The structure in the case of capital investments also reveals quite well that in the GDR the capital investments in machines and equipment were systematically given preference for political reasons. Of course this cannot signify that as regards machines and equipment—e.g., by the standards of international competition—the investments were made economically adequate and in the correct fields. Merely recognizable from that is the obviously systematic neglect of investments in construction—a reason for the fact that the total construction assets in the GDR today are regarded as "hopelessly worn out and too old." The Bonn Institute for Urban Development has estimated an investment requirement of between DM1.5 to 2 trillion for urban and village renewal alone (modernization, rehabilitation, development of the infrastructure).

Estimated expenditures to remedy the worst environmental damages in air, water, and soil, are about DM300 billion. The structure of the energy consumption shows that the air pollution in the GDR by sulfur dioxide is

especially high: Production of energy is based largely on heavily sulfur-containing lignite. While the share of this

energy carrier in the total FRG primary energy consumption is clearly less than one-tenth, in the GDR it is almost three-fourths.

**Comparison of FRG and GDR
Population, Gainfully Employed, National Product, Energy Consumption**

	FRG		GDR	
	1970	1988	1970	1988
Population, million	61.0	61.7	17.1	16.7
—percent up to age 15	23.2	14.6	23.3	19.5
Gainfully employed, million	26.8 ¹	29.7 ¹	7.8 ²	8.6 ²
Percent gainfully employed ³	44.0	48.1	45.5	51.5
—Percent male	59.1	60.7	51.1	55.1
—Percent female	30.2	37.0	40.7	48.3
Percent gainfully employed according to economic field				
—Agriculture/forestry	8.5	4.9	12.8	10.8
—Producing industries	40.2	33.6	42.0	40.5
—Construction industry	8.7	6.6	6.9	6.6
—Other fields ⁴	42.6	55.0	38.3	42.1
National product, in billion DM/M	1,134 ⁵	1,702 ⁵	121.6 ⁶	268.4 ⁶
—per capita DM/M	18,590	27,575	7,126	16,105
Field of origin of national product in percent				
—Agriculture/forestry	2.6	2.2	17.3	9.8
—Producing industries	40.1	34.2	56.4	64.9
—Construction industry	8.3	5.7	7.6	7.4
—Other fields ⁴	49.0	58.0	18.7	17.8
Capital investments				
—Machines and equipment in percent	34.9	43.8	51.8	60.7
—Construction in percent	65.1	56.2	48.2	39.3
Primary energy consumption—Per inhabitant, in tons coal equivalent	5.52	6.32	6.03	7.68
According to energy carriers in percent				
—Lignite	9.1	8.1	75.9	71.7
—Hard coal	28.8	19.2	10.6	4.2
—Mineral oils	53.1	42.0	12.6	8.7
—Natural gases	5.5	16.2	0.6	10.8
—Nuclear energy	0.6	12.0	0.2	4.0

¹ Gainfully employed persons

² Employed persons

³ In percentage of population

⁴ Commerce, transportation, services, state

⁵ In 1980 prices

⁶ Produced national income in 1985 prices

Source: Council of Experts; GDR Statistics.

Wismut Uranium Production Poses Serious Health Threat

90EG0216A Hamburg DER SPIEGEL in German
12 Mar 90 pp 131-140

[Article by editor Dietmar Hawranek: "'It's No Kindergarten.' DER SPIEGEL Editor Dietmar Hawranek on Fear of Unemployment and Health Threats in GDR Uranium Mining"]

[Text] The protest march begins in the church up on the hill after the pastor's "Praise the Lord." Approximately 50 people from the little village of Loebichau near Gera follow Pastor Klaus Dohmke silently through the darkness. As they pass the lighted windows of the village pub, the pastor roars out, "Get out here!" but the people inside prefer to stay where it is warm.

The group moves on in silence until Dohmke once again raises his sonorous voice and now the people marching behind him are chanting along, hesitantly at first, "Get rid of the Wismut stuff," then a bit louder, "Get rid of the Wismut stuff, get rid of the...."

The "stuff" is invisible in the darkness, somewhere behind a two-meter high fence. It is a heap of ore from the Wismut uranium mines. "Wismut" [bismuth] is what everyone here calls the Sowjetisch-Deutsche Aktiengesellschaft SDAG Wismut for short. The people are afraid of the radiation emitted by the uranium ore, the dangerous dust which blows into their village and which they breath in.

"What do you think, how many of the people lying there in the cemetery died of lung cancer?" one asks. A woman says that the radiation is to blame for the fact that she brought a child with two thumbs on one hand into the world.

When they reach the fence which encloses the entire Drosen mine facility with its towers and shafts, some attempt to fasten plastic cups containing a lighted candle on the fence as a warning sign. A young boy climbs up, jams his cup into the barbed wire: "I hope the wind won't blow that down right away."

Anyone unfamiliar with Wismut and its history might smile at such a cautious protest. However, east of Gera and in the Erzgebirge where probably the largest uranium producer in Europe operates six mines, hardly anyone smiles at it. Even today a mention of the name Wismut is enough to make people lower their voices and look nervously over their shoulders as if they were actors in a bad spy movie.

Since its foundation in 1947, Wismut has never been a combine. It is a state within a state with its own laws, hospitals, housing, and stores. Its vehicles have special license plates. Everything that goes on in Wismut's offices, mines and processing facilities is considered secret.

But it is not possible to conceal all the consequences of the uranium mining. A striking number of miners died of lung cancer, there were miscarriages, mothers bore deformed children.

Frank Mueller tries to prove that it "isn't like that at all." Today he invites visitors from the West to his office in Wismut headquarters, which not even his wife could enter before the November revolution. In his office with an embroidered picture of a miner on the wall, he tries to "clear up all those ugly rumors."

Mueller is already marching to the tune of the new drummer. For 24 years he was paid for his labor and his silence, today he says "all that secrecy" was "excessive."

Of course, after World War II, it was understandable then. The Soviets needed uranium urgently to build an atomic bomb. To get it, the Soviets set up Wismut. The number of tons of ore mined was considered a top military secret, even after the Soviet brothers had long since begun to use much of the GDR uranium to produce fuel cores for nuclear power plants.

Now, however, Mueller says he is downright delighted "to show Wismut off." Because "some parts of it are really fascinating."

Some 660 meters under ground in the Drosen mine, the workers do not exactly look fascinated. They would "finally like to know what the mine will be doing," if it "is going to be doing anything at all."

Mine director Roland Stelzig takes three steps forward and three back, he holds his foreman's hammer firmly in his right hand while he explains. In the next five years, Wismut's only customer, the Soviet Union, wants to buy just 56 percent of the uranium it has been buying. There is no need for additional atomic bombs. Today the USSR can obtain the uranium needed for its nuclear power plants from Uzbekistan.

Somewhat clumsily, Wismut's bosses are now looking for new things for employees to do. They thought they had found a solution for the Ernst Thaelmann mine, which was supposed to be shut down at the start of the year.

Because there is a shortage of good chocolate nationwide, the machine builders at the mine were supposed to build candy production equipment. Chocolate machinery and mining machinery do not have much in common—the project failed miserably.

Down below, at level 660, the mine director, Roland Stelzig, keeps on assuring the workers that he shares "your concern about your jobs." He knows that Wismut will have to shed 10,000 of its current 40,000 employees this year alone.

Up above, in his office, the door to which he used to seal every night with a sealring, Stelzig looks on the "bright side": "People are working much, much harder."

On the large chart in the stairwell showing each brigade and its performance, light bulbs glow behind the red stars above the photographs of most of the team leaders. They have overfulfilled their plan.

In times like these, people will not be particularly concerned about their own health. In the south field, team leader Bernhard Kirchhof swings the borer into position to plant explosive in the wall. The biggest danger he and all the other workers in the mine galleries are exposed to in such work is invisible: as it decays, the uranium ore is constantly emitting poisonous radioactive radon gases. Breathed in with dust particles, the radioactive gas particles lodge in the bronchial tubes, lungs, and kidneys and can cause cancer.

Kirchhof does not worry much about that. He has faith in the black hose, the thick tube, and the mine management. The hose carries water to the borer, to reduce the dust. The tube blows fresh air to where Kirchhof is working, to reduce the concentration of dust. Finally, the mine management has the radiation measured regularly, they would transfer the team leader elsewhere, he believes, if he had absorbed too much radiation.

Just recently, says the 29-year-old, he "fathered a child," so "everything must be OK still."

In order to paint the present in rosy colors, Frank Mueller, already a polished PR man, tells us how bad it was in the past, 30 or 40 years ago.

Some of the miners hacked the uranium ore out with hammers, they bored without water sprinklers, and they had no additional ventilation in the mine. Given the large amount of radiation the poor fellows were exposed to, it is no surprise that many got cancer decades later. But he wants us to realize that that is "history."

Every year doctors diagnose lung cancer in about 160 current and former Wismut workers. For most of the 160, that diagnosis is a death sentence.

That is "bad," says Mueller. But many miners smoke. It is impossible to say what caused the cancer, radiation or cigarettes. And besides, since then, they have taken steps to make sure everything is safe.

Eberhard Paessler, head of the "Enterprise Outpatient Clinic" at the Drosen mine, also tries to play down the problems. More than anything, miners have suffered from joint problems of the kind caused by hard labor day after day and found "in every mine in the world": "It's no kindergarten, you know."

Paessler can tell you exactly why even today radiation in the mines is often higher than permitted. Sometimes, he says, miners do not extend the ventilation tube that brings fresh air to where they are working. That allows them to advance the shaft faster and fulfil the plan more easily. "What am I supposed to do?" the medical officer asks and shrugs his shoulders.

Mueller does not give up so easily. He presents statistics to prove that people in the uranium-mining areas are no more at risk than elsewhere in the GDR. He says that nationwide 0.8 people out of 10,000 suffer from leukemia; in Gera Bezirk, the figure is 0.9, he says.

He adds that the frequency of cancer is no higher there, nor the number of stillbirths, for example. Mueller cites figures and more figures for everything; in the end, somewhat dispirited, he himself notices that "after keeping everything secret for decades, probably today nobody believes us."

That is right. And there is good reason to be skeptical. For instance, there are the heaps piled up everywhere near the pitheads, sometimes spherical as in Ronneburg, sometimes tablelike as in Loebichau.

Mueller explains that these heaps cannot emit any dangerous radiation. The uranium-bearing rock has already been separated out, only reject containing "virtually no uranium" goes into the heap.

The people of Loebichau know that is not true. They cite the heap at the nearby Drosen mine, "as high as our church," which is made up not of discard but of pure uranium ore that has been mined but not yet taken away for further processing. The wind can carry dust from this heap anywhere—and that includes Loebichau.

Karl-Heinz Schubert, who lives in the village and works in the Drosen mine, asks boss Roland Stelzig why he is concealing that heap from outside journalists. The reporter, Stelzig explains, "didn't ask about ore heaps." Some 2.5 hours later Stelzig issues orders to reduce the ore heap "to a minimum." He orders men to build a barrier "in the main wind direction."

This rapid response merely feeds the villagers' suspicions. The dust that used to fly off the heap cannot have been so harmless after all. How can they still believe the mine director's assurances that several meters in the area show no dangerous radioactivity?

And it is also not just the ore heap that worries the people of Loebichau. The villagers mention a second source of radioactivity: the exhaust shafts from the mine's ventilation system.

The two narrow concrete boxes are set on a little hill surrounded by a fence. The entrance is generally open all day. Nobody stops visitors from entering. Two workers give us a friendly greeting.

From the front of the shafts streams an unceasing column of fine white smoke, which the wind drives toward a meadow 20 meters off. In the summer cattle graze there.

About 500 meters from the airshafts stand a piggery's fodder silos and stalls. Often the wind blows the air from the exhaust shafts toward the houses of Loebichau down in the valley.

It is impossible to tell by looking at the smoke, which looks like steam, what the radioactivity might be. Right at the outlet, General Director Mueller says, it could be 2,000-5,000 Becquerels. But, he quickly adds, "that dissipates in just a few meters."

Nobody has told the workers at the shaft anything about radioactivity. They only know that the steam is "dangerous somehow." Everyone tries, one of them says, "to go around it."

But just at this moment a worker is standing in the smoke, about a meter from the shaft. The radioactivity cannot have dissipated much where he is. The man shrugs his shoulders. When he cannot help it, he has to go into it, but "just for a moment."

The villagers take a less relaxed attitude, they will no longer be satisfied with soothing formulas. They want to have independent experts measure the radiation.

Mine director Stelzig goes on trying to reassure people; in tune with the new times, he also uses the church to do so. Stelzig, who admits he is still an atheist, now goes to the peace prayers sometimes. He wants to use the opportunity to "take away some of the worshippers' fears."

He has not had much success in this. "He can talk till he's blue in the face," says one woman, "but I won't believe a word of it." Her husband worked for Wismut for a long time. Too long. When the doctor diagnosed the cancer, it was incurable. She tended her husband at home with pain-killing morphine until he died. When she talks about him today, the woman generally utters just one sentence: "20 years at Wismut—cancer."

GERMAN DEMOCRATIC REPUBLIC

Opinion Polling's New Status Outlined

90GE0001A East Berlin SONNTAG in German
Vol 45 No 10, 11 Mar 90 p 10

[Article by Dr Walter Friedrich, director of the Central Institute for Youth Research in Leipzig: "Unasked Yesterday! Asked Too Much Tomorrow?"]

[Text] Whether we like it or not—we all must now learn to live with opinion polls. Men and women, from 15 years of age upward, will get used to being polled, at home, at meetings or demonstrations; politicians [and] journalists will avail themselves of this new "instrument of insight" ever more precisely and advantageously.

Opinion pollsters can less and less afford to make serious errors. Interviewers are in demand and respond by the tens of thousands to newspaper ads. More and less renowned FRG opinion/ market research institutes have already cast their nets here. Special departments of larger social science institutes, and even smaller private enterprises in some places are dedicating themselves to opinion polling and must now prove their right to exist both on the basis of science and the economics of financing.

Early poll results on political subjects since December 1989 have brought about heated tempers, sometimes justified objections, but also noncomprehension and even some politically motivated reactions. And election research is only just gearing up.

Therefore, during the coming weeks we shall experience, also because of opinion polling, much that is exciting (completely unknown in former elections!). All that has come upon us only four months after the revolutionary turnaround.

Formerly, opinion polling in our official political parlance was called a "technique of manipulation by bourgeois social sciences," from which the people were to be protected: Opinion polling was disapproved of, and simply banned politically.

The centralistic-bureaucratic system of the regime, which in the last analysis was an autocratic one (monopoly of power, information and sanctions of the top man), was not interested in a scientifically precise reflection of public opinion. The "welfare and happiness of the people," the "nature" and the "continuous perfecting" of socialist personality were constructed on the spot out of the ideology, actually out of the heads of the mighty ones at headquarters, then laid down in resolutions and documents. For that no systematic analyses of reality were needed; at best, empirical studies had a decorative function of simply confirming the given resolutions. One was satisfied with the trick, practiced over decades, of simply equating the high goals/ideals with reality. Thus to the last, transfiguration of reality was practiced, problems concealed with bombastic phrases, or simply

with silence. The real interests, needs, intentions and opinions of the people were overlooked, not dealt with.

Why, then, should they even be polled?

Thus we remained for decades—at the end despite glasnost in the Soviet Union—an unasked, unresearched nation. Only market research was permitted to a modest extent. Compared to the FRG, there is a lag of practically 40 years in this field. There, an industrial sector of market and opinion research developed long ago with impressive scientific and technological standards. Last year, more than 100 larger institutes realized revenues of over DM800 million through thousands of market and opinion polls. Such are the dimensions of today's market and opinion research [there]. What a contrast to the GDR up to 1989!

From this results perforce the well-known fact that for decades we have had no precise knowledge of the mentality and mentality changes of the population, the thinking and feeling, the propagation of the many interests, plans, motivations, hopes, and fears of the various strata and sociostructural groups of our people. This concerns the adult population in particular. Opinion polling (also called demoscropy, demoscopic method) has a decisive function and importance in overcoming these deficits of knowledge. A change will rapidly take place. Even this year there will be hundreds of studies, and perhaps there will be thousands of them annually, which will include both our male and female citizens.

But to organize opinion research, to correctly evaluate its results and to utilize it for politics, for instance, is not as easy as it may appear at first glance. Dealing with opinion polls requires experience and sound judgment. That concerns the social scientist who prepares the first studies as well as the politician who today has a burning interest in it, particularly in preparing for the election campaign.

From the results of demoscopic polls, very hasty and erroneous conclusions can be deduced. One of the important methodical requirements is the formulation of questions. Some questions constructed by laymen are formulated very superficially and even ambiguously. They must definitely be worked out by specialists. It makes sense: the more superficial the question, the less valuable the results. More often, however, opinion research is discredited if different polls on the same subject show very different results such as, for instance, in the case of party preferences in mock elections.

At the beginning of February, the Central Institute for Youth Research (ZIJ together with the Leipzig Institute for Market Research) as well as the FRG Institute INFAS (together with GDR television) published poll results which were naturally highly relevant for election preparations. The most frequently "elected" parties received the following percentage shares: (The INFAS figures were computed by us on the basis of the number of those persons who had decided and were willing to give information. The figures in parenthesis refer to all persons interviewed.)

	ZIJ	INFAS
Social Democratic Party (SPD)	53	66(32.8)
Christian Democratic Union (CDU)	13	10(5.0)
Party of Democratic Socialism (PDS)	12	11(5.4)
Democratic Peasant Party of Germany (DBD)	4	6(3.0)
Liberal Democratic Party of Germany (LDPD)	3	1(0.4)
New Forum	3	2(1.0)

This does show great differences. Who comes closer to the truth? This question cannot be answered clearly here, because there were no elections at the time of the polls. Between now and 18 March the "election reality," namely the citizens' real electoral behavior, will still change considerably. The only certain thing here is this: The formulation of the questions differed. ZIJ: "If tomorrow there were free, democratic, secret elections to the People's Chamber..., which of the following parties...would you vote for?" INFAS: "On 6 May 1990, elections will take place in the GDR. Which party or which group...will you vote for on 6 May?" That strikes one as curious. What was INFAS really going for? The municipal elections on 6 May? But on television they were prognosticating for the People's Chamber elections on 18 March.

Evidently a major mistake occurred here. This dilemma perhaps also explains the very high number of undecided and non-voters, namely 48 percent, while these were only 21 percent in the ZIJ poll. An important role is probably also played by the fact that INFAS carried out face-to-face interviews in only 400 families, while the interviewers of the market research institute handed out questionnaires for written replies. Furthermore, everyone could mail his questionnaire direct to Leipzig, of which about 40 percent of those polled availed themselves.

This example demonstrates: Polls on the same subject can vary greatly as to method.

A further essential criterion is the validity of the spot check. For politicians as well as all users of opinion polls, the question of the generalization capability of the results obtained is extraordinarily important, even decisive. If the researcher wants to organize a poll valid for the entire GDR population, he needs a network of interviewers capable of recording a selection of people (approximately 1,000 to 2,000 persons) who correspond exactly to the demographic structure of the GDR population (such as sex, age, marital status, education level, size of town of residence, bezirk) as reported in official statistics. There exist several well-proven methods of selection for that.

If that is the case, one speaks of a representative sampling. Letters to the editor in a newspaper, polls in residential areas of a large city, at border crossings,

demonstrations, etc., simply do not fulfill these standards. From such limited spot checks one must not simply draw conclusions as to "the opinion of the population." For example, if one polls only 16- to 18-year-old apprentices as to their attitude toward Republicans, about 8-10 percent of them would also vote for them. True, that is a high percentage, but it is not a GDR average. In our GDR-representative study only one to two percent stated they would vote for the Republicans.

Therefore: Of the persons questioned, the more precisely secured the representative nature of the spot check, the greater the scientific validity of the poll.

Already after first publications and many discussions of the results of political opinion polls it is certain that in future no politician, no party, or political movement can underestimate such data. The basic rules of a pluralistic democracy simply make it a necessity. A decree no longer decides the power and influence of politicians and parties, but solely the sovereign people, the political will of citizens with equal rights. Hence it is of almost vital interest for all political forces to have a clear understanding of the actual political attitudes and values as well as the important factors influencing the formation of values and [political] will.

Efficient politics are no longer possible even here without taking into account the results of political opinion polls. Hence, in future a politician should follow demoscopic analyses with great attention and understanding, and even better, take his own ideas and questions to the researchers. In this way he can obtain an important and—in contrast to his individual everyday experiences—much more reliable reflection of the social/psychological reality which can be generalized. Demoscopic results are a necessary feedback for a politician. If he wants to be a representative of the interests of the people or of his party, respectively, he will consult them time and again, he will correct his own behavior accordingly, he will detach himself more from erroneous assessments, he will become more realistic, matter-of-fact, self-critical.

Quite frequently, doubt is cast on the results of demoscopic studies. Such criticisms have also appeared in our newspapers. My opinion of this matter is: In the present undeveloped state of research in our country, more rather than not enough doubting questions should be raised.

If the researcher, in describing a study, retains ambiguities—for instance, in individual questions or about the composition (representative nature) of his spot check—the partner in the discussion, the politician, [or] the politically interested citizen will rightfully look for more information or cast doubt upon the claimed value of the results. That action is legitimate and necessary. If, as happened in our media at the end of December, two very divergently composed spot checks and even differently formulated questions were raised in relation to each

other and from that, trends in party development were derived, then that is a grave, elemental mistake. But that must not lead to condemnation of opinion research.

It is different if the partner in the discussion rejects the result of a study on the basis of his "own experiences," if he calls it manipulated. As a general rule, politicians overestimate the influence and even the voter potential of their own party. Such a contradiction between wishful thinking and reality is understandable, but it must not lead to a dogmatic doubt of empirical opinion research.

A well-prepared, representative opinion poll can only be evaluated through another study, based on the same or even better criteria of scientific research, or through actual practice (such as an election).

The next opinion polls, also, will probably bring more surprises in the GDR. Certain results may not appear quite kosher to some citizens, and sometimes not even to the researcher himself. That is natural in our turbulent times.

Only a few examples of this from the comparison of two GDR-representative ZIJ studies of late November 1989 and late January 1990. During those eight weeks, the following landslide shifts in party preferences occurred, in percent:

	Nov. 89	Jan. 90
LDPD	23	3
New Forum	17	4
SED [Socialist Unity Party of Germany]/ PDS	31	11
SPD	4	54

We also noted similar changing shifts in other areas of political awareness, such as the when and how of unification.

In November 1989, 84 percent of those questioned wanted to stay in the GDR under any circumstances, in January 1990 it was only 62 percent. Now, however, six percent—roughly, that is almost 1 million citizens—in great probability want to emigrate; in November 1989 it was only one percent.

We are living in a time of extreme social, political, cultural, and economic crisis processes, truly existential upheavals and collapses of millions of people. So it is not surprising that right now very intensive processes of change are occurring in the thinking, feeling and everyday behavior of individuals. One can call it a far-reaching thrust of changes in the mentality, the total personality of people which also comprises basic needs such as self-determination, the striving for enjoyment of life, material goods, greater social and personal security. Naturally, all that also is reflected in opinion polls. In the near future one can count on further serious trend processes. All is in flux—but today with a dynamism never known before!

Opinion polling will without a doubt develop into an important diagnostic tool of these historic trend processes and will also serve for their better control. Soon one will not be able to imagine societal life without it, and it will become effective as a (modest) tool for our further development of democracy. To this end, researchers as well as politicians, journalists, and all other interested persons should make their responsible contribution.

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